

REMARKS

REMARKS -GENERAL-

1) Between the dates of March 20/02 and April 01/02 a segmented telephonic interview between applicant and examiner took place. This segmented telephonic interview consisted of:

- a)** three phone (real time) discussions between Examiner and applicant,
- b)** three unofficial written arguments/amendments by applicant, sent via telefax,
- c)** four voice messages by Examiner,
- d)** one voice message by applicant.

This amendment is in response to the Office Action dated 03/11/02, and the above mentioned telephonic interview.

2) A supplementary Information Disclosure Statement of patent documents and corresponding copies of patents are submitted herewith.

3) A supplementary Information Disclosure Statement of non patent references and corresponding copies of documents are submitted herewith.

4) Office Action cited US Patents 642,272 to Tissot; 791,731 to Sundgren; 1,363,252 to James; 1,960,054 to Johnson; 2,367,440 to Schieman; 2,384,223 to Wilbur; 3,837,565 to Johnsen; 3,995,808 to Kehoe; 4,437,852 to Volk; 4,487,360 to Fisher; 4,715,531 to Stewart; 5,201,982 to Schmidt; 6,027,014 to Cochran; 6,290,120 to Guest and US Patent Application 2001/0032872A1 by Guest.

After reviewing them, none of these documents is considered to prevent patentability.

Patents 6,027,014 and 6,290,120 were filed and issued after priority date of this application. Application 2001/0032872A1 was filed after priority date of this application.

5) Applicant has rewritten all the claims to overcome O.A. and Interview rejections in an effort to

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advance this case. However applicant is in fundamental disagreement with all §102 and §103 rejections related to claims 7-16, in O.A. and subsequent rejection under §103 on Schieman and Tissot of amended independent claims 1, 7, 11 and 17 submitted on 03/26/02.

Therefore, applicant respectfully submits the arguments contained in this amendment and all its attachments, and requests withdrawal of these rejections, and allowance of claims as originally filed, or failing at that, allowance of amended claims proposed by fax on 03/26/02 incorporating any amendments that might be necessary to overcome any eventual §112 rejection.

6) Three Affidavits, to traverse rejections are attached hereto, as follows:

- **AFFIDAVIT 1**, as evidence of:

- I) a long felt need in the art, and failure of others,

- II) unexpected results produced by the invention,

- III) synergetic effects of the invention,

- IV) inoperability of one of the cited references.

- **AFFIDAVIT 2**, to prove potential of commercial success, further including **Exhibits A, B, C, D, E F, G, H, I, J, K and L**.

- **AFFIDAVIT 3**, stating the results of a survey conducted by applicant.

7) Other documentation is submitted as attachments, as follows:

- **ATTACHMENT 1**: Glossary of certain terms in parent application 09/130,534.

- **ATTACHMENT 2**: 'Notice of References Cited' in case 09/032,853.

- **ATTACHMENT 3A**: Illustrated comparison of construction and function of Schieman's first embodiment with present invention.

- **ATTACHMENT 3B**: Illustrated comparison of construction and function of Schieman's

second embodiment with respect to present invention.

- **ATTACHMENT 4:** Illustrated comparison of paper usage of #10 envelope plus letter size paper vs. the self sealing form of the present invention.
- **ATTACHMENT 5:** Illustrated comparison of Schieman's structural components vs. present invention's.
- **ATTACHMENT 6:** Illustrated comparison of Schieman's overlapping layers with present invention.
- **ATTACHMENT 7:** Excerpt from: <http://aic.stanford.edu/conspec/bpg/annual/v17/bp17-05.html>
- **ATTACHMENT 8:** Photo of Tissot's model failing to maintain the flaps bent.
- **ATTACHMENT 9:** Photo of specimen of product #8325 by Avery Dennison Corp., showing its parts.
- **ATTACHMENT 10:** Print out of <http://www.uspto.gov/web/forms/index.html>

8) In the above Amendment,

-All original claims were conditionally canceled and new claims submitted.

REMARKS -ARGUMENTS-

1) In an effort to clarify the definition of “Self Sealing Forms”, applicant unofficially submitted by telefax the text below [between brackets] on 03/20/02, which is hereby officially submitted.

[To clarify apparent misperceptions regarding the term “**SELF SEALING FORMS**”, and

which go to the core of the rejections under §102(b) and 103(a) of O.A. dated 03/11/2002, regarding this application 09/978,215 applicant respectfully submits the following:

1) Applicant, acting as his own lexicographer, defines 'form' and 'self sealing form' on page 1, (2nd paragraph) of the application as follows:

"This invention relates to forms, particularly to such forms that can be self sealed, obviating thereby the need of an envelope. The term form encompasses letters, documents, forms, and any type of correspondence"

2) The term "Self-Contained" in plain English means:

- "1. Constituting a complete and independent unit in and of itself.
2. Not dependent on others; self-sufficient."


Thus, a 'self contained form' is a form that does not require an envelope.

These definitions are consistently sustained throughout the specification and drawings. Also, see Abstract.

In accordance with these definitions and for all the purposes of this application:

- 3) A self sealing form or a self contained form is not an envelope. An envelope is not a self sealing form or a self contained form.
- 4) A self sealing form or a self contained form is structurally and functionally different than an envelope.
- 5) An envelope is a container to contain other articles.
- 6) An additional article is necessary so an envelope can carry a private message.
- 7) A self sealing form or self contained form might under certain circumstances contain an article, but that is an accessory feature, after its sine-qua-non defining purpose (to carry a written or printed message privately, without the need of an envelope) has been fulfilled.

8) A self sealing form and a self contained form have been defined in parent application 09/130,534 and their structural differences with respect to an envelope have been established.

 9) Parent application 09/130,534 discloses and claims envelopes; and separately, parent application 09/130,534 also discloses and claims self sealing forms. These claims have been allowed and application is in final stage, awaiting Notice of Allowance.

10) Co-pending child application 09/978,264 entitled 'Self Sealing Containers' discloses and claims envelopes and other containers, in distinctive contrast with this application which relates exclusively to self sealing forms or self contained forms.

Hence, applicant respectfully submits that references cited by Office regarding rejections under § 102(b) and § 103 a) relate to products that are structurally and functionally different than the self sealing forms or self contained forms of this application, and therefore respectfully requests withdrawal of these rejections, discussed in further detail below.]

Examiner responded to these arguments via a voice message left on applicant's voice mail on March 20/02, stating:

"Your definition is not specific. It says: 'The term form encompasses letters, documents, forms, and any type of correspondence'. The envelope that I am using in the rejection is encompassed by that terminology."

First, applicant's definition is **extremely** specific, precise and unequivocal in full consistence with the dictionary's definition of 'correspondence', as shown below, and fully complemented and supported by a **27 page specification**, **14 embodiment examples**, and **14 drawing sheets**, specific and exhaustively describing self sealing forms and self sealing forms only, not only excluding envelopes, but actually making them unnecessary in the context of this invention's teachings.

Second, the portion of the definition quoted by Examiner is immediately preceded—in the same paragraph—by the statement: ***"This invention relates to forms, particularly to such forms that can be self sealed, obviating thereby the need of an envelope"*** (emphasis added here), which is in essence the invention.

After this premise, it is absolutely incongruous to conclude that an envelope is encompassed by applicant's definition of self sealing forms, since 'envelopes' are **expressly** excluded from the definition.

For some examples of forms and forms **ONLY** —i.e, **NO** envelopes— refer to:

[Http://www.uspto.gov/web/forms/index.html](http://www.uspto.gov/web/forms/index.html) and all the hyperlinks listed therein. A print out of said site is submitted as **ATTACHMENT 10**.

Insofar as it relates to independent claims, the envelope cited in §102 rejections was Schieman U.S. Pat. 2,367,440; and the envelopes cited in §103(a) rejections were Fisher U.S. Pat. 4,487,360 and Schieman 2,367,440.

Schieman's discloses an envelope, and only an envelope. Fisher discloses a two way envelope and a two way envelope only.

Neither Schieman's or Fisher's or any envelope is encompassed by the "correspondence" terminology. **No** envelope is by itself a piece of correspondence. **Thus, the term "envelope" is excluded from applicant's definition of "Self Sealing Forms"**

This is how different publications define "Correspondence":

- **Webster**: a) communication by exchange of letters. b) The letters received or written.
- **WordNet 1.7, Vocabulary Helper**, available at <http://www.notredame.ac.jp/cgi-bin/wn> : Communication by the exchange of letters
- **Online Plain Text English Dictionary**, available at <http://www.mso.anu.edu.au/~ralph/OPTED/> : The letters which pass between correspondents.

- **Random House Webster Dictionary**: 1. Communication by letters. 2. Letters between correspondents.
- **Bookshelf 98/CD**: a. Communication by the exchange of letters. b. The letters written or received.
- **Encarta 2001/CD**: Correspondence, communication through written letters.
- **A Dictionary of Contemporary American Usage** (Random House, NY, NY): Communication by exchange of letters.
- **New Illustrated Webster Dictionary/Thesaurus**: Communication by letters; also, the letters themselves.
- **The Oxford English Dictionary**: Intercourse, communication (between persons)
- **World Book 2002**: See Letter writing.

The constant in these definitions, in consistence with the applicant's definition and disclosure is that correspondence is in essence a letter. A 'letter' is a written or printed message, (letter, document, business form, check, etc.)

Thus, it is inconceivable that a '**letter-less envelope**' (Schieman's disclosure) could have anticipated an '**envelope-less letter**' (This application)

As way of further illustration, applicant submits the following two examples, adding proof that an "envelope" is **not** a piece of correspondence.

1st Example:

A "Correspondence School" is a school that offers instruction by mail, exchanging correspondence with students.

If the school only sends empty envelopes, no advancement in the education of the student is achieved. Thus, no correspondence will take place until a **message** (in this case at least one lesson) is sent. Conversely, if the student replies to a lesson with an empty envelope, no evaluation of the student's progress can be performed. Thus, no correspondence will take place

until a **message** (in this case an executed test or exam) is sent.

2nd Example:

In the US, patent filing and patent prosecution is normally conducted by correspondence. If all that applicant submits to the USPTO is an empty envelope, no filing date can be granted. Thus, no correspondence will take place until a **message** (in this case, an application) is sent.

Conversely, if the Office replies to an application with an empty envelope, no response can be prepared by applicant. Thus, no correspondence will take place until a **message** (in this case, an Office Action) is sent.

Hence, it can only be concluded that an envelope by itself is **never** a piece of correspondence.

As disclosed in this application, a "Self Sealing Form" is a one piece entity that has **a)** visible addressing information, and **b)** a covered message, in the form of a letter, document, form, etc. Ergo, a Self Sealing Form is in fact, a piece of correspondence.

To further prove the meaning of 'correspondence' in conventional usage, applicant conducted a survey among 10 persons. The results of the survey are submitted as **AFFIDAVIT 3**, attached hereto.

At the risk of being redundant, applicant further submits that during prosecution of parent application 09/130,534 a similar misunderstanding of the term "Self Sealing Form" emerged, but it was promptly corrected after an explanation to the Office was submitted. See **ATTACHMENT 1**, originally **Attachment E** of **Amendment B** of Application 09/130,534. For easier reference of pertinent information, said attachment was printed as a halftone, except for the definitions of Self Sealing Form and envelope, which appear in solid black for easy identification.

A notice of allowance for application **09/130,534** has been received and **8 (Eight) independent** claims related to a self sealing form were allowed as filed, as they define the invention over the prior art.

Furthermore, Office Action to abandoned parent application **09/032,853**, entitled "Self Contained Forms" cited the following references, as listed in the attached copy of "Notice of References

Cited" of that application 09/032,853 (**ATTACHMENT 2**):

3,941,308 to DiGirolomo et al. (see col. 1, lines 55-63)

3,988,971 to Steidinger (see col. 4, lines 59-63)

4,063,398 to Huffman (see col. 5, lines 17-21)

4,543,082 to Stenner (see col. 2, lines 30-41)

4,668,211 to Lubotta et al. (see abstract, Fig. 4)

4,860,945 to Breen (see abstract, Fig. 1, Fig. 2)

4,984,733 to Dunn, Jr. (see abstract)

5,207,592 to Loch. (see col. 1, lines 61-65)

(Applicant already cited these references, and furnished corresponding copies with original Information Disclosure Statement)

All these references, except Steidinger relate to products integrally having: **1)** a message or insert material incorporated at the time envelope is produced, plus **2)** a wrapper or container, which establish some analogy with the self sealing form of the present invention, since the self sealing form of the present invention has **1)** a message plus **2)** self wrapping attributes.

Steidinger, on the other hand is not analogous to application 09/032,853 as it is not analogous to the present application either. In any event Steidinger was cited as a background reference only, without challenging patentability of the invention.

The point here is that there is no "envelope" which independently acts only as a container cited in 09/032,853's O. A., as an envelope lacking a built-in message section, is not analogous to the parent application 09/032,853, or to this application 09/978,215, and hence it is an improper reference.

In any event, and even if there would hypothetically be any ambiguity in the term 'correspondence' (and there's no such ambiguity) this application **specifically, exclusively,**

exhaustively and unequivocally teaches a letter, document, business form, check, advertising message, notice or any other type of written message that can cover itself, without the need of an envelope, and that does not require the moistening of dry adhesive coatings, and that does not require the production, mounting, subsequent un-mounting and disposal of a release liner, clearly defining the invention over any of the cited references.

"Office personnel must rely on the applicant's disclosure to properly determine the meaning of terms used in the claims. *Markman v. Westview Instruments*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (in banc), *aff'd*, ** U.S. **, 116 S. Ct. 1384 (1996)";

Also, see MPEP 2106: ..."Disclosure may be express, implicit or inherent. Thus, at the outset, office personnel must attempt to correlate claimed means to elements set forth in the written description. The written description includes the specification and the drawings"

Applicant's disclosure is abundantly clear in the definition of what correspondence/self sealing forms **IS** (all that is disclosed) and what is **NOT**, all that is **NOT** disclosed (e.g. an envelope)

EXAMINER STATED THAT ONE POSSIBLE REASON THE INVENTION HAS NOT BEEN ALREADY DEVELOPED IS LACKING OF COMMERCIAL MERITS

In one instance, examiner inquired about the commercial status of the invention.

In another instance, examiner stated that absence of a product in the marketplace, does not necessarily prove novelty, but it instead may mean that the product is not commercially viable for costs or other marketing reasons.

As both issues are directly related to the commercial possibilities of the invention, in response, applicant respectfully submits **AFFIDAVIT 2**, and its attachments to prove potential of commercial success, and to disprove the possibility that the invention could have been derived from the prior art but has not been reduced to practice due to its lacking of commercial merits.

(It is important to note that beyond the established merits of an invention, especially one by an

independent inventor, the success of any marketing efforts is conditioned by a number of factors, including among others: a) Inventor's salesmanship and entrepreneurship abilities or lack thereof, b) available resources of time, manpower and money, c) risks inherent to introduction of new products, d) present market conditions, e) intellectual protection or lack thereof)

DURING PHONE INTERVIEW, EXAMINER ASSERTED IN TWO INSTANCES, THAT STRUCTURAL AND NOT FUNCTIONAL DIFFERENCES WITH RESPECT TO THE PRIOR ART ARE WHAT MUST BE DEFINED BY APPARATUS CLAIMS.

Structure is certainly a definite factor in apparatus claims of analogous comparisons.

But it is function what defines what a product is. And what a product is or is not is what defines analogy with another product.

The function of this invention is to produce a message that wraps itself so the need for an envelope is eliminated. An envelope —Schieman's or anybody's— is a product to wrap a separate article, and can not carry a private message. They have different functions. They are different products.

'Function' and not 'structure' is what satisfies the statutory requirement of "usefulness". So much, that a 'new function' provides patentability to an invention, that is structurally identical to one established in the public domain. (See 35 USC §101)

Thus, recitation of structural differences in product or apparatus claims could only be relevant to analogous products for analogous purposes, and that is not at all the case here.

APPLICANT PROPOSED THE FOLLOWING INDEPENDENT CLAIMS:**(Amended Claim 1, rewritten to overcome 112 rejections):**

A self sealing form comprising:

- a) a sheet material having a body and at least one flap,
- b) at least one portion of said body proximal to said at least one flap,
- c) at least one portion of said body non-proximal to said at least one flap,
- c) at least one layer of adhesive and at least one layer of adhesive inhibitor applied to said sheet material, in such a manner that when said at least one flap is in contact with said at least one portion of said body proximal to said at least one flap, said at least one layer of adhesive faces said at least one layer of adhesive inhibitor,

whereby said at least one flap can be removably fastened to said body, and whereby the positioning of said at least one portion of said body non-proximal to said at least one flap between said body and said at least one flap permits the sealing of said self sealing form.

(Amended Claim 17, rewritten to overcome 112 rejections):

A self sealing form comprising:

- a) a blank of a sheet material, having a body and at least one flap;
- b) at least one portion of said body proximal to said at least one flap,
- c) at least one portion of said body non-proximal to said at least one flap,
- d) at least one layer of a pressure sensitive adhesive applied to said at least one flap,
- e) at least one layer of a release substance applied to said portion of said body proximal to said at least one flap,

in such a manner that when said at least one flap is in contact with said body, said at least one layer of pressure sensitive fastens in a removable fashion to said at least one layer of a release substance,

and when said at least one portion of said body non-proximal to said at least one flap is placed between said at least one layer of pressure sensitive adhesive and said at least one layer of a release substance, said self sealing form is sealed.

(Amended Claim 7, rewritten to overcome 102(b) and 103(a) rejections):

A self contained form comprising:

- a) a blank of a sheet material,
- b) at least one folding line applied to said blank of a sheet material, whereby at least one body and at least one flap are obtained,
- c) at least one layer of adhesive applied to said blank of a sheet material and at least one layer of an adhesive inhibitor applied to said blank of a sheet material and arranged in such a manner that when said at least one body and said at least one flap are in an initial contact, said at least one layer of adhesive faces said at least one layer of adhesive inhibitor, and when said at least one body is in a final contact with said at least one flap, said at least one layer of adhesive avoids said at least one layer of adhesive inhibitor, whereby said at least one layer of adhesive is exposed and sealing of the form is enabled.

(Amended Claim 11, rewritten to overcome 102(b) and 103(a) rejections):

A form, with self sealing properties, wherein said form is capable of bearing text or graphic indicia and wherein said text or graphic indicia is covered, comprising:

- a) at least one fastener area,
- b) at least one fastener inhibitor area,
- c) at least one blank area,

arranged so when a first folding sequence of said form is performed,

said at least one fastener area is removably connected to and protected by said at least one fastener inhibitor area,

whereby said text or graphic indicia can be entered,

and when a second bending sequence of said form is performed,

said at least one blank area is placed between said at least one fastener area and said at least one fastener inhibitor area,

whereby said text or graphic indicia can be covered, and said form can be sealed

—More arguments about these §102 and/or §103 rejections of claims 7-16 on pages 29-38—

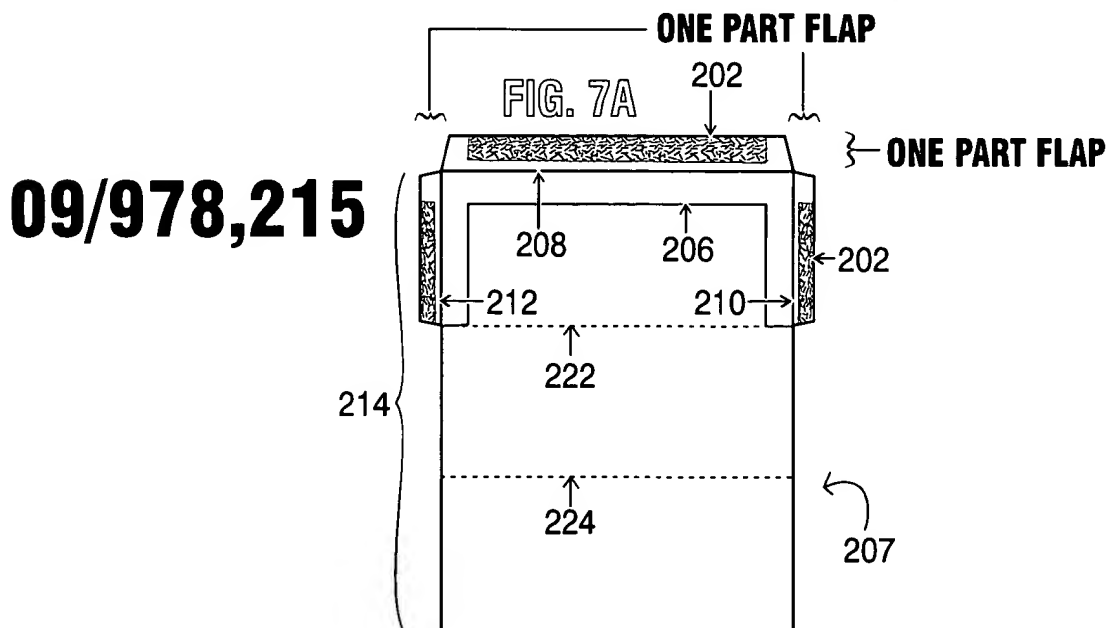
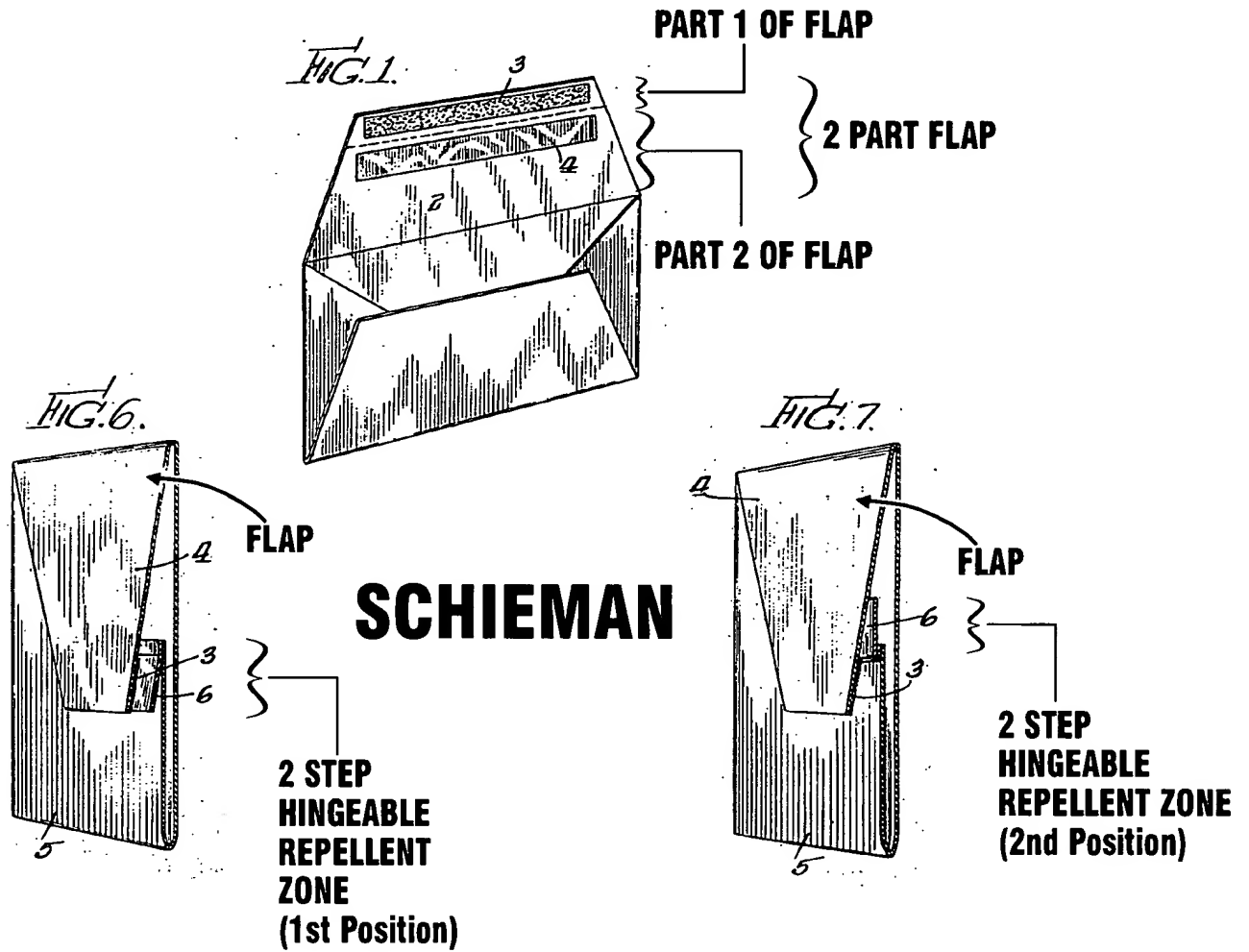
EXAMINER REJECTED THESE CLAIMS, UNDER §103(a) AS UNPATENTABLE OVER SCHIEMAN 2,367,440 IN VIEW OF TISSOT 2,367,440

In response, applicant unofficially submitted the following arguments [between brackets], which are hereby officially submitted, and also drawings on page 26, which are also hereby officially submitted:

[The notion that a combination of Tissot's US Pat. 642,272 and Schieman's US Pat 2,367,440 may have been obvious to one of ordinary skill in the art is dissipated by, among others, the following facts/reasons:

- 1) Such combination is non-analogous as Tissot and Schieman relate to two different products addressing two different functions. **a)** Tissot is a letter-card intended for Press-Copying. *(Does not need an envelope)* **b)** Schieman is a self sealing envelope *(a container, which can not independently bear a covered message)*
- 2) Just adding Schieman's repellent (adhesive inhibitor) to Tissot's card will not meet the claims. It will have no purpose, as the adhesive of Tissot is not pressure sensitive, but rather a dry adhesive that requires contact with water (an external agent) so it can become active.
- 3) Structurally, Schieman has a number of additional elements with respect to this application. Especially, in particular regards to the flaps. Schieman always teaches **a)** a two part flap (Figs. 1-4) or **b)** a hingeable two step repellent zone (Figs. 5-7) in opposition to applicant forms, which always teach **a)** a one part flap(s) and **b)** a readily exposed one part adhesive inhibitor (repellent) zone.
- 4) Cited references are individually complete. There's no reason to combine them.
- 5) Cited references teach away from each other.
- 6) The result achieved by the invention is greater than the sum of Tissot and Schieman's combined features. Invention enables entering a private message and readily visible addressing information in one single step.
- 7) (Again) The two cited references are not analogous.]

—Also, the drawings on following page were submitted.—



IN VOICE MESSAGE TO APPLICANT, EXAMINER REITERATED REJECTION.**DURING PHONE DISCUSSION, EXAMINER SUGGESTED THAT CLAIMS DEFINE INVENTION STRUCTURALLY**

Notwithstanding the fact that Schieman's envelope is a different species and a different genus, and therefore an inappropriate reference against application, by itself or in conjunction with any other reference, a §103 rejection based on a combination of Tissot and Schieman is overcome by reciting the adhesive on the flap(s) as suggested by Examiner. Obviously, the adhesive inhibitor would be recited on the body.

DURING PHONE DISCUSSION, EXAMINER STATED THAT TISSOT (PATENT 642,272) ISSUED A LONG TIME AGO, AND THAT FOR THAT REASON SCHIEMAN'S TECHNOLOGY (PAT. 2,367,440) COULD NOT HAVE BEEN INCORPORATED AT THE TIME

The inference from this statement is that as soon as Schieman's technology became available, combining Tissot and Schieman's disclosures would have been obvious, and therefore their features mutually incorporated.

Tissot issued on Jan. 30, 1900, Schieman issued almost 45 years later, on Jan. 16, 1945. The fact that in the over 52 years until the Dec.08, 1997 priority date of this application, no evidence of such combination exists, denies the notion that as soon as Schieman's technology would be available, a combination of Tissot and Schiemans would have been obvious.

—More arguments about rejection of amended claims 1, 7, 11 and 17 submitted on 03/26/02, under §103 on Schieman and Tissot on pages 38-46 —

(O.A. Para. 1,2) **Rejection of claims 1-6 and 17-22 under §112, first paragraph, as containing subject matter which was not described in the specification in an enabling manner**

Claims 1-6 and 17-22 have been canceled and new claims overcoming this rejection have been submitted.

(O.A. Para. 3) **Rejection of claims 10 and 16 under §112, first paragraph, as containing subject matter which was not described in the specification in an enabling manner**

Claims 10 and 16 have been canceled and new claims overcoming this rejection have been submitted.

(O.A. Para. 4) **Objection to drawings under 37 C.F.R. 1.83(a) as failing to illustrate (1) interaction of layers of adhesive and adhesive inhibitors whenever the flap is in contact with the body, (2) a form having a flap, a body and another portion; and (3) a multiple ply portion.**

Claims have been so rewritten that this objection is overcome.

(O.A. Para. 5,6) **Rejection of claims 1-6 and 17-22 under §112, second paragraph, as being indefinite for failing to distinctly claim the invention.**

Claims 1-6 and 17-22 have been canceled and new claims overcoming this rejection have been submitted.

(O.A. Para. 7, 8) **Rejection of claim 7 under §102(b) as being anticipated by Schieman, US patent 2,367,440.**

It is inconceivable that a “letter-less envelope” would anticipate an “envelope-less letter”

A ‘form’ is a written or printed message.

A ‘self sealing form’ or a ‘self contained form’ is a form that does not need an envelope to cover it.

An envelope, on the other hand, is a container to contain other articles.

A self contained form is not an envelope. An envelope is not a form and even less a self contained form. An envelope is not a piece of correspondence.

Claim 7 relates to a “self contained form”. The term ‘*self contained form*’ defines the claimed invention as a structurally different product than Schieman’s “self sealing paper envelope”. The term ‘Self Contained Form’ does impart fundamental structure to claim 7 as it defines a product that is radically different in structure and also in function than Schieman’s Self Sealing Paper Envelope.

Refer to definition of self sealing form on page 1, 2nd paragraph of application. Refer to ALL embodiment descriptions. Refer to abstract. Refer to preceding discussions about the term ‘correspondence’ in response to examiner’s premise that an envelope is encompassed by the applicant’s definition of self sealing forms. Refer to **AFFIDAVIT 3** related to a survey about the word ‘correspondence’. Refer to **ATTACHMENTS 1, 3A, 3B, 4, 5 and 6.**

To further illustrate the inappropriateness of a §102 rejection based on Schieman’s patent, let’s suppose that a foldable knife where the handle also acts as a covering for the blade has just been invented, whereby a separate scabbard is no longer necessary.

In a patent application for the scabbard-less newly invented knife, It would be inappropriate to cite a scabbard of the prior art as grounds for a §102 rejection. They are two different products.

The prior art has only one function: to cover a knife, and it is NOT a knife. The new invention has a primary and defining function, which is to have a blade (i.e. without a blade a knife is not a knife, and this new product IS a knife), and a secondary function: to eliminate the need for a scabbard.

All the elements of this example can be extrapolated to the present case, as follows:

The prior art has only one function: to cover a letter. (or document, or check, or any other type of correspondence) and it is NOT a letter.

The present invention has a primary and defining function, which is to have a message (e.g. without a message, a letter is not a letter, and this new product is a letter), and a secondary function: to eliminate the need for an envelope.

Consequently, a §102 rejection based on an envelope is also clearly inappropriate in this case.

In the benefit of expedience, applicant has again amended claim 7, to overcome rejection. However, the arguments in this response are submitted to support applicants disagreement with this rejection, and to request reconsideration and allowance of claim 7 as originally filed, as a preferred alternative.

It is inconceivable that a "letter-less envelope" would anticipate an "envelope-less letter"

(O.A. Para. 9). **Rejection of claims 11 and 12 under § 102(b) as being anticipated by Schieman 2,367,440.**

A self sealing form is not an envelope. An envelope is not a form and even less a self contained form. An envelope by itself is not a piece of correspondence, as it does not have a letter or message.

A 'form' is a written or printed message.

Claim 11 relates to a "self sealing form". The term '*self sealing form*' defines the claimed invention as a structurally different product than Schieman's "self sealing paper envelope".

A 'self sealing form' or a 'self contained form' is a form that does not need an envelope to cover it.

Refer to definition of self sealing form on page 1, 2nd paragraph of application. Refer to ALL embodiment descriptions and drawings. Refer to abstract. Refer to preceding discussions about the term 'correspondence' in response to examiner's premise that an envelope is encompassed by the applicant's definition of self sealing forms. Refer to

An envelope, on the other hand, is a container to contain other articles.

AFFIDAVIT 3, related to a survey about the word 'correspondence.

The term form certainly imparts structure to the claims, as it provides a clear structural distinction with respect to Schieman's Self Sealing Envelope.

Office Action cited:

"[A]pparatus claims cover what a device is, not what a device does."(emphasis in original) Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).

This citation actually supports the patentability of this invention, as a self contained form is something completely different than Schieman's envelope.

Beyond the portion quoted in O.A., the same Hewlett Packard v. Baush and Lamb citation continues:

"A PRIOR ART DEVICE CAN PERFORM ALL THE FUNCTIONS OF THE APPARATUS CLAIM AND STILL NOT ANTICIPATE THE CLAIM."...

Which further validates the claim, notwithstanding the fact that the prior art **DOES NOT** perform any of the functions of the apparatus of claim 11. Claim 11 does not recite an envelope (container) and Schieman is not a self sealing form.

And the same case citation continues:

..."Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim

if there is any structural difference.” (MPEP 2114)

In this case the differences are both in structure (See **ATTACHMENTS 1, 3A, 3B, 4, 5 and 6.**) and in function.

Refer to the "scabbard-less knife" vs. knife analogy in the preceding discussion of claim 7 rejection under §102, which also applies in this case.

In the benefit of expedience, applicant has again amended independent claim 11, to overcome rejection. However, the arguments in this response are submitted to support applicants disagreement with this rejection, and to request reconsideration and allowance of claims 11 and 12 as originally filed, as a preferred alternative.

The combination of 2 species will produce a hybrid, i.e., another species, i.e, an improper reference, which if useful, is statutorily patentable.

(O.A. Para. 10, 11) **Rejection of claims 7-9, 11, 12, 14, and 15 under § 103(a) as being unpatentable over Fisher 4,487,360 in view of Schieman 2,367,440.**

Fisher discloses a 'two way envelope'. Schieman discloses a 'self sealing paper envelope'.

Claims 7-9 relate to a 'self contained form'. Claims 11, 12, 14 and 15 relate to a 'self sealing form'. A self contained or a self sealing form is **not** an envelope.

An envelope is not a form and even less a self contained form. An envelope by itself is NOT a piece of correspondence, as it does not have a letter or message.

Refer to definition of self sealing form on page 1, 2nd paragraph of application. Refer to **ALL** embodiments. Refer to abstract. Refer to preceding discussions about the term 'correspondence', in response to examiner's premise that an envelope is encompassed by the applicants

definition of self sealing forms. Refer to **AFFIDAVIT 3**, related to a survey about the word 'correspondence'. Refer to **ATTACHMENTS 1, 3A, 3B, 4, 5 and 6**.

O.A. (para. 11) states: "***It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the body of Fisher's form with adhesive inhibitor as taught by Schieman at 4 so that Fisher's two closure flaps 11 and 32 may be folded so as to bring the adhesive on each flap into contact with the inhibitor because this would prevent premature adhesion on the flaps to the body of the form***"

First, Fisher's disclosure, by its own definition, specification, illustration and claims is **NOT**, a form. Especially in the context of this prosecution, Fisher is **NOT** a form. It is an envelope. (And So is Schieman)

Second, Fisher's closure flaps 11 and 40 are regular conventional prior art flaps. There is nothing novel about them. Fisher's invention, and Fisher's teachings are about 'detachable side extensions 18, 19, 20, 21' (col. 3, lines 63-68; col. 4, lines 1-5) which need to reciprocally cooperate to build the first mailing envelope, which has absolutely no parallel in this application's specification as in no instance there is any interaction between "extensions". and much less in the claims in question, **which recite absolutely no extensions, no flaps, or anything structurally similar.**

Likewise, In Fisher's another inventive aspect—the interaction of front panel 30 and return panel 17 to build the return envelope—there is absolutely no parallel with this invention either, as there is no interaction of panels in this invention to produce a container, and even less in the claims in question, which recite absolutely NO panels, and much less a container or envelope.

Third, Fisher's product is of a significantly more complex structure than this invention and **particularly as recited by the claims in question**, as Fisher's product requires many more elements, and corresponding production steps, namely:

- 1) front panel 30;
- 2) return panel 17;
- 3) First closure flap 11;
- 4) adhesive patches 14, 24, 25, 18;
- 5) side extensions 18, 19, 20, 21;
- 6) perforated lines 13, 26 and 27
- 7) return closure flap 40

These numerals were assigned to the basic embodiment. (Figs. 1-4). All subsequent embodiments, identified in Schieman's "DESCRIPTION OF DRAWING", col. 2, lines 60-67 and col. 3; lines 1-42 have at least the same elements with some different numerals to certain parts.

Fourth, there is absolutely no need or purpose to "provide adhesive inhibitor on Fisher's body as taught by Schieman at 4", as Fisher's envelope does not require a 'temporary fastening phase' or a 'protection of adhesive' phase, as Fisher's envelope is produced and sealed at once. (See col 2, lines 35-38; col. 6, lines 7-10) And if NO pressure sensitive is even desirable, there is absolutely no use for the adhesive inhibitor.

The dry adhesive clearly suits Fisher's design and construction much better than pressure sensitive adhesive in conjunction with

adhesive inhibitor coatings.

Such replacement would be absurd, as it has no utility whatsoever, and would actually defeat the purpose of Fisher's invention.

Again, refer to Fisher's 'Object of the Invention' col. 2, lines 35-38:
"It is another object of the invention to provide a two way envelope adapted to be manufactured, stuffed and sealed on high speed automatic envelope making and insertion equipment"

Fifth, depending on Fisher's embodiment selected, incorporating adhesive inhibitor to the body for interaction with a pressure sensitive adhesive is simply physically impossible, as the following analysis of each possible scenario demonstrates:

BASIC EMBODIMENT (Figs. 1-4): Notwithstanding the fact that there is no need to bring the flap in contact with the body, if the adhesive inhibitor is applied to the body, the flap would be entrapped under strips 18, 19, 20 and 21 when they are sealed. Or, if the flap is separated from the body prior to the sealing of the strips, the pressure sensitive will be unprotected, and pressure sensitive adhesive, contrary to dry adhesive must be protected at all times prior to its final use.

FIRST MODIFIED EMBODIMENT (Figs. 5-8): The same situation described in the 'basic embodiment' above will occur with flap 11. Plus, it is physically impossible to bring return panel's flap 40 in contact with the body.

SECOND MODIFIED EMBODIMENT (Figs. 9-11): While it might be possible to have adhesive inhibitor on the body interact with

pressure sensitive adhesive of flap 32, this will not be possible with flap 11, as discussed above.

THIRD MODIFIED EMBODIMENT (Figs. 12-13): In this case neither flap could interact with a coating of adhesive inhibitor on the body, for the reasons explained above.

FOURTH MODIFIED EMBODIMENT (Figs. 14-15): In this case, neither flap could interact with a coating of adhesive inhibitor on the body, for the reasons explained above.

FIFTH MODIFIED EMBODIMENT (Figs. 16-19): In this case, neither flap could interact with a coating of adhesive inhibitor, for the reasons explained above.

Sixth, If Fisher and Schieman are combined, the final product is an envelope, as they both disclose envelopes, **not** a self sealing form (i.e. a message that does not require an envelope to cover it) And the resultant envelope would be even more complex than Schieman's and Tissot's individually considered.

There is absolutely no need, no reason and no way to combine these two products, which actually teach away from one another, because:

- 1) they address different needs. Schieman discloses a 'singular self sealing envelope'. Fisher discloses a 'two way envelope' that is sealed in a different manner.
- 2) their conceptual approach is absolutely different. Schieman uses the interaction of repellent and adhesive for the sealing. Fisher uses the interaction of the 'extensions' with adhesive.

It is clear that not only such combination is not obvious, but if it at all renders any utility, it is patentable, provided that a specific teaching of said combination, and its usefulness is presented. O.A. Does not

present such teaching. If the teaching is in this application, then it is patentable. But, in any event, the teaching is NOT in this application because this application does not combine Schieman and Fisher's references.

There is no justification in Fisher or Schieman, or in any other disclosure which suggests that these two references be combined, even less that when they would be combined they would result in the present invention as suggested by Office Action, because their combination does NOT result in a form bearing a message and that is self-sealable, i.e, that requires NO envelope.

Restated: even if combining Fisher's features with Schieman's features would have been obvious to one of ordinary skill in the art, such hypothetical obviousness could not preclude patentability, since this application relates to a structurally different product: A self sealing form, not an envelope.

By reverting the conditions in the following citation, the conclusions will also have a reverse corollary effect: See: MPEP, Section 2141:01 Scope and Content of the Prior Art

"I. PRIOR ART AVAILABLE UNDER 102 IS AVAILABLE UNDER 35 U.S.C. "Before answering Graham's content inquiry, it must be known whether a patent or publication is in the prior art under 35 U.S.C. Section 102." Panduit Corp. v. Dennison Mfg. Co., 810 F. 2d 1561 , 1568 , 1 USPQ2d 1595, 1597 (Fed. Cir.), cert. denied, 481 U.S. 1052 (1987) . Subject matter that is prior art under 35 U. S. C. 102 can be used to support a rejection under section 103. Ex parte Andresen, 212 USPQ 100, 102 (Bd. Pat. App. & Inter 1981) ("it appears to us that the commentator [of 35 U.S.C.A.] and the [congressional] committee viewed section 103 as including all of the various bars to a patent as set forth in section 102.").

A corollary of this is that a subject matter that is not valid prior art under §102 can not be used to support a rejection under §103. Hence, Schieman does not constitute a legal component reference for a §103 rejection, and neither does Fisher.

In the benefit of expedience, applicant has again amended claims 7 and 11 and their dependent claims, to overcome rejection. However, the arguments in this response are submitted to support applicants disagreement with this rejection, and to request reconsideration and allowance of original claims as a preferred alternative.

(O.A. Para. 12) **Rejection of claims 10 and 16 under § 103(a) as being unpatentable over Fisher 4,487,360 in view of Schieman 2,367,440 and Kehoe 3,995,808.**

Subject matter of Claims 10 and 16 has not been resubmitted in new claims.

(O.A. Para. 13) **Rejection of claim 13 under § 103(a) as being unpatentable over Fisher 4,487,360 in view of Schieman 2,367,440 as applied to claim 11 and johnsen 3,837,565.**

Subject matter of Claim13 has not been resubmitted in new claims.

The combination of 2 genera will produce a mutant, i.e. another genus, i.e., not only an improper reference, but actually, a phenomenon, that if at all offers any utility, would therefore, be statutorily patentable.

(Phone Interview) **Rejection of claims proposed by fax on 03/26/02 under § 103(a) as being unpatentable over Schieman, US Patent 2,367,440 in view of Tissot, US patent 642,272**

Refer to arguments faxed on 03/28/02, and preceding arguments on this amendment.

Schieman discloses an envelope. Tissot is a 'letter-card or a telegram-card', incidentally with a definition of 'correspondence', consistent with

the dictionary and the present case, i.e. 'correspondence' is a message, not an empty envelope. See (Tissot) lines 13-16.

An envelope is NOT a form and even less a self contained form. An envelope is NOT a piece of correspondence.

Refer to definition of self sealing form on page 1, 2nd paragraph of application. Refer to **ALL** embodiments. Refer to abstract. Refer to preceding discussions about the term 'correspondence', in response to examiner's premise that an envelope is encompassed by the applicants definition of self sealing forms. Refer to **AFFIDAVIT 3**, related to a survey about the word 'correspondence'

A combination of an envelope and a letter-card, is not obvious, since they are simply two different species. Moreover, they are two different genera.

Further, The number of elements of Schieman's is by far larger than this application's. (See **ATTACHMENT 5**), which clearly establishes radical structural differences, while Schieman, on the other hand lacks a body **where a private message can be entered**. (See **ATTACHMENTS 3A, 3B and 4**)

Also, Schieman's both embodiments always have at least 4 layers of paper in the area where repellent and adhesive are in contact, prior to sealing of the envelope. (See **ATTACHMENT 6**) which also establishes further structural differences. And additionally, this would prevent proper feeding through desktop printers, as well as through commercial printing and copying equipment.

By reverting the conditions in the following citation, the conclusions will also have a reverse corollary effect: See: MPEP, Section 2141.01 Scope and Content of the Prior Art

"I. PRIOR ART AVAILABLE UNDER 102 IS AVAILABLE UNDER 35

U.S.C. "Before answering Graham's content inquiry, it must be known whether a patent or publication is in the prior art under 35 U.S.C. Section 102." Panduit Corp. v. Dennison Mfg. Co., 810 F. 2d 1561 , 1568 , 1 USPQ2d 1595, 1597 (Fed. Cir.), cert. denied, 481 U.S. 1052 (1987) . Subject matter that is prior art under 35 U.S.C. 102 can be used to support a rejection under section 103. Ex parte Andersen, 212 USPQ 100, 102 (Bd. Pat. App. & Inter 1981) ("it appears to us that the commentator [of 35 U.S.C.A.] and the [congressional] committee viewed section 103 as including all of the various bars to a patent as set forth in section 102.")"

A corollary of this is that a subject matter that is not valid prior art under §102 can not be used to support a rejection under §103. Hence, Schieman does not constitute a legal component reference for a §103 rejection.

There is no equivalence of parts between Tissot and this application. The flaps of this application have two functions:

- 1) To permit a temporary fastening so the form can be fed trough a printer or other machine, while protecting layers of adhesive.
- 2) To permit a permanent fastening, to seal the form.

As opposed to Tissot's flaps whose only function is:

- 1) To protect a dry adhesive (gum) coating on body, from exposure to fluis during 'letter copying' (see Tissot's lines 19-27.)

The 'letter copying' process consisted of the use of a special ink on the original, so when the original is in pressed contact with a quasi-transparent paper that is dampened for that purpose and with the aid of a '*copying press*' and a '*copying book*' it would imprint a mirror image of the original, that can then be normally read, when seen from the other side of the paper, so, a permanent copy is obtained after the

paper has dried. (See **ATTACHMENT 7**, excerpted from: <http://aic.stanford.edu/conspec/bpg/annual/v17/bp17-05.html>) (Also, see http://www.officemuseum.com/copy_machines.htm)

The purpose of Tissot's flaps (strips d^1 , d^2 , and d^3) was to prevent the moistening of the adhesive (gum) while 'letter-copying', which is completely different than the purpose of this invention.

Structurally, Tissot is radically different, as the flaps (strips d^1 , d^2 , and d^3) do not carry any substance, and due to the lack of any adhesion or cohesion, are urged to separate from the body, as a result of a 'spring' effect caused by their narrowness, since the sheet attempts to revert to its natural unbent state. (See **ATTACHMENT 6**), a photograph of a model of Tissot, built by applicant, using an enlarged print of Tissot's FIG. 1 as a template.

This raised condition of the flaps would prevent the feeding of Tissot's letter card through any copying or printing machine, which by itself denies any structural parallelism with this application.

The flaps (strips $d^{1,2,3}$) can only be kept in position by setting them manually and then by the pressure exerted by the 'copying press' and when performing the purpose they were designed for, according to Tissot's patent.

There is no extrapolation whatsoever of the purposes, or the physical structure of Tissot, that would anticipate this invention. Independently or in combination with any other reference.

Also, after Tissot's flaps (strips $d^{1,2,3}$) have been used, they become a nuisance that must be removed, or left hanging in the form, unnecessarily increasing its size, and also having an odd shape, defining yet another structural difference with respect to this application.

There is no justification in Tissot and Schieman, or in any other

disclosure which suggests that these two references may be combined, even less that their combination would result in the present invention, as suggested by O.A.

And even if such combination was possible, it would not produce all the physical features and advantages of the amended claims (1, 7, 11 and 17) in question. These physical features and advantages produce new and unexpected results and hence are unobvious and patentable over cited references.

**TISSOT TEACHINGS ARE INOPERATIVE AND NONUSEFUL.
THEY ACTUALLY ARE COUNTERPRODUCTIVE.**

Applicant conducted a test, to examine the enablement of Tissot's teachings. (See **AFFIDAVIT 1**)

Given the permeability of paper, Tissot's flaps (strips d¹, d², and d³) adhered to the dry adhesive, instead of protecting it, when subjected to dampness.

Since permeability of the paper is necessary for the letter-copying process, and the use of the protective strips d¹, d², and d³ is the only inventive feature of Tissot's patent, this defect renders the invention inoperative, and as such invalid as a reference.

Differences Between References And This Application

If a product could be obtained by mating Schieman's species (Envelopes) with Tissot's species (Letter-Card), the expected result would be a hybrid or mutant, i.e. another species, i.e. a product different than this application (Self Sealing Form), which by itself eliminates any possibility of obviousness, as there is no correlation and even less an intellectual property competition between both species.

For the sake of this discussion, such hybrid or mutant product is herein hypothetically considered analogous to this application, and referred to as Tissot + Schieman, and these are the differences of such preproduct with respect to the present application:

Tissot + Schieman:

A self sealing product (whose specific characteristics, and functions are unknown as there is no teaching in Tissot, Schieman or any other reference of such *sui generis* combination) that:

- 1) can be self sealed, without moistening a dry adhesive coating.

—vs—

The present invention:

A form that among other things:

- 1) can be self sealed, without moistening a dry adhesive coating.
- 2) can be fed through a printer or other machine.
- 3) can have both sides readily imprinted on, with just one single computer command and one single trip across the printer.
- 4) can have a private message and readily visible addressing information or any other indicia.
- 5) can wrap and cover itself, eliminating thereby the need of an envelope.

These differences between Tissot+Schieman and this application are reflected in the new and unexpected results produced by the claimed novel physical features, and are hence unobvious and patentable over said hypothetical combination of references.

For even more unexpected results of this invention, which further

differentiate it from Schieman + Tissot. see **AFFIDAVIT 1**.

Tissot and Schieman do not have any justification supporting their combination. Furthermore, none of the cited references, or any other reference, or even the Office Action indicates what parts of one reference would be incorporated into the other and how, and what the end result would be.

For any prior art references to be validly combined for use in a § 103 rejection, the references themselves, or some other prior art **must** suggest that they be combined. Eg As stated in In re Sernaker, 217 U.S.P.Q. 1,6 (C.A.F.C. 1983)

"Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings"

That the suggestion to combine the references should not come from applicant was forcefully stated in Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (CAFC 1983):

"It is wrong to use the patent [here the patent application] as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit [here the claims pending]. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law [here the PTO]"

As was further stated in Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434 (C.A.F.C. 1988), "[w]here prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. . . . Something in the prior art must suggest the desirability and thus the obviousness of making the combination.

In line with these decisions, the Board stated in Ex parte Levenwood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art *would have been led* to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. . . . That which is within the capabilities of one skilled in the art is not synonymous with obviousness. . . . That one can *reconstruct* and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of references to make the claimed invention. . . . Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.' . . . Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

In this case, there is no reason given in the rejection left on applicant's voice mail, to support the proposed combination, except a statement mentioning Tissot's flaps (strips d¹, d², and d³) and Schieman's adhesive inhibitor. However, both references are not analogous, and therefore any combination of them that would lead to a new product would not

have been obvious, and hence it would be patentable. In any event, that hypothetical product would be different to the present invention. Tissot's flaps do not at all play any role in the sealing, as this invention's flaps do. Tissot's flaps are for the purpose of preventing the dry adhesive to enter in contact with the fluids involved in the press-copying process. Further, Tissot's flaps do not have any substance coatings at all, while this invention has a coating of pressure sensitive adhesive. Schieman's flap, on the other hand, is of a structure different than this application's as it is composed of two parts, and one of them carries the adhesive inhibitor.

Thus, the fact that Tissot has a flap and Schieman has an adhesive inhibitor is not sufficient to gratuitously and selectively substitute parts of one reference for a part of another reference in order to meet applicant's novel claimed invention.

Applicant therefore respectfully submits that combining Tissot and Schieman is not legally justified and is therefore improper. Thus applicant submits that the rejection on these references is also improper and should be withdrawn.

As demonstrated by **AFFIDAVIT 1**, other references are closer in structure to the present invention than those cited in O.A.. (See **ATTACHMENT 9**, and refer to US patent 5,087,238) and yet fail to produce the advantages and unexpected results possible by this invention.

In the benefit of expedience, applicant has amended claims, following examiner's suggestions, reciting more structural features.

However, the arguments in this response are submitted to support applicants disagreement with this rejection.

Accordingly, applicant respectfully requests reconsideration and allowance of claims proposed on 03/26/02, if request to have original claims allowed is not granted.

Conclusion
Status of claims at time of this amendment

Given the fact that (independent) amended claims 1, 7, 11 and 17 submitted on 03/26/02 by fax were rejected under USC §103 on Schieman and Tissot, it is presumed that previous rejections of these claims were overcome by such amendment. Hence, before this AMENDMENT A, these claims stand rejected only under §103, on a combination of Schieman and Tissot.

Conclusion
Request for reconsideration of previously submitted claims

Given the arguments in this amendment and its attachments, applicant respectfully submits that rejections under §102 and/or §103 of original claims 7-16 should be withdrawn, and these claims allowed incorporating any eventual amendment that might be necessary to overcome any §112 rejection. Likewise, independent claims 1 and 17 were amended on 03/26/02, so rejection under §112 is overcome. Accordingly, allowance of these amended claims and their dependants claims is respectfully requested.

Or failing at that, that rejections under §103 based on combination of Schiman and Tissot to amended claims 1, 7, 11 and 17 proposed on 03/26/02 should be withdrawn, and claims allowed incorporating any eventual amendment that might be necessary to overcome any §112 rejection.

Conclusion
Application is in allowable condition

Given all the preceding arguments and amendments, and if the request to allow previously submitted claims, is not granted, applicant submits that this application, including newly submitted claims is in condition for allowance, action which is hereby respectfully requested.

Conclusion
Conditional Request For Constructive Assistance

If for any reason, this application is not believed to be in full condition for allowance, **Applicant respectfully requests the constructive assistance and suggestions of the examiner pursuant to MPEP section 706.03 9d) and section 707.07 (j)** in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Conclusion
Conditional Request For Explanation of any eventual new combination of references rejection

Applicant respectfully requests that if any claim is rejected upon any combination of references, that Office includes an explanation in accordance with M.P.E.P. 706.02, Exparte Clapp, 27 U.S.P.Q. 972 (P.O.B.A. 1985) and Exparte Levengood, supra, a “factual basis to support the conclusion that it would have been obvious”, and also the indication of a desirability to make such combination.

Conclusion
Additional Statements by Applicant

Applicant respectfully submits the following statements:

- A patent claim should be allowed to be as broad as the simplicity of the invention allows—in light of the prior art—regardlessly of its syntax level of complexity or its length.
- The interests of an applicant and the interests of the public are not inherently in conflict.
- Whenever an invention deserves patent protection, the interests of the inventor and the interests of the public are the same, as it is the purpose of the patent system to promote the advancement of the arts, by granting intellectual property rights to inventors, which ultimately is in the benefit of the public.

- "Picture claims", reciting parts or aspects that are dispensable to the invention, or that do not offer any **necessary** definition over the prior art, are in detriment of the public's interest, as they trivialize the value of the patent system.

See MPEP 2164.08: "...[T]o provide effective incentives, claims must adequately protect inventors. To demand that the first to disclose shall limit his claims to what he has found will work or to materials which meet the guidelines specified for "preferred" materials in a process such as the one herein involved would not serve the constitutional purpose of promoting progress in the useful arts."

Very respectfully,



Luis J. Rodriguez

-----Applicant Pro Se-----

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Date of Mailing: May 20, 2002

I hereby certify that this correspondence, including its attachments is being deposited with the United States Postal Service "EXPRESS MAIL TO ADDRESSEE" service **ET123629477US** under 37 CFR 1.10 on the date indicated above, and is addressed to the Commissioner for Patents, Washington, D.C. 20231

Luis J. Rodriguez, Applicant

Signed: 

ATTACH**ATTACHMENT 1**

Application # 09/120,555

ATTACHMENT 1

All part of #16

MAY 20 2002

**CLARIFICATION OF CERTAIN TERMS AND ASPECTS OF APPLICATION**

TERM	BRIEF DEFINITION	EMBODIMENT EXAMPLE #(S) / FIGS.
Self Sealing Wrap	A blank of a sheet material for wrapping an article.	6th embodiment (Figs. 23's) 25th embodiment (Figs. 42's)
Forms Carrier	A device made of a sheet material to aid in transporting documents, forms, and the like that are too small, too unsteady or that have an irregular shape through printers and other machines	9th embodiment (Figs. 26's) 10th embodiment (Figs. 27's) 29th embodiment (Figs. 46's) 31st embodiment (Fig's 48's)
Self Sealing Form (Or Self Contained Form)	A form is a piece of correspondence. A self sealing form is a form that does not need an envelope to cover it or for shipping purposes. <i>(An envelope, on the other hand is a pre-assembled container)</i>	14th embodiment (Figs. 31's) 15th embodiment (Figs. 32's) 16th embodiment (Figs. 33's) 17th embodiment (Fig's 34's) 18th embodiment (Figs. 35's) 19th embodiment (Fig's 36's) 20th embodiment (Figs. 37's) 21st embodiment (Figs. 38's) 22nd embodiment (Figs. 39's) 27th embodiment (Figs. 44's) 30th embodiment (Figs. 47's)
Shipping Tube	A Container consisting of two pieces: a receptacle (bottom part 336) and a lid (top part 334)	32nd embodiment (Figs. 49's)
Low Tack Pressure Sensitive Adhesive Also: Lower Strength Pressure Sensitive adhesive	A layer of Pressure Sensitive Adhesive having removable properties (As In Post-It™ Notes)	Figs. 1, 5, 6, 7, 8, 9, 12, 15, 16, 23's, 24's, 25's, 26's, 27's, 31's, 32's, 33's, 34's, 35's, 36's, 37's, 38's and 39's.

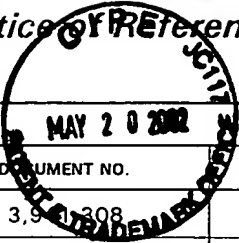
Also, Applicant respectfully brings to the Office's attention Figs. 1-16 and first paragraph of page 19, fifth paragraph of page 21, and last paragraph of page 37, of original specification that contain very important information.

(These are brief definitions and are not intended by any means to be restrictive. Their intended purpose is only to further aid in the examination of this application. A more complete definition is given by the specification and corresponding drawings).

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ATTACHMENT 2

Notice of References Cited



Application No. 09/032,853	Applicant(s) Luis J. Rodriguez	
Examiner Anthony Ojini	Group Art Unit 3725	Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	3,941,308	3/1976	DiGirolomo et al.	493	216x
B	3,988,971	11/1976	Steidinger	493	216
C	4,063,398	12/1977	Huffman	493	216x
D	4,543,082	9/1985	Stenner	493	216
E	4,668,211	5/1987	Lubotta et al.	493	216x
F	4,860,945	8/1989	Breen	493	216x
G	4,984,733	1/1991	Dunn, Jr.	493	216x
H	5,207,592	5/1993	Loch	493	216
I					
J					
K					
L					
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FOREIGN PATENT DOCUMENTS

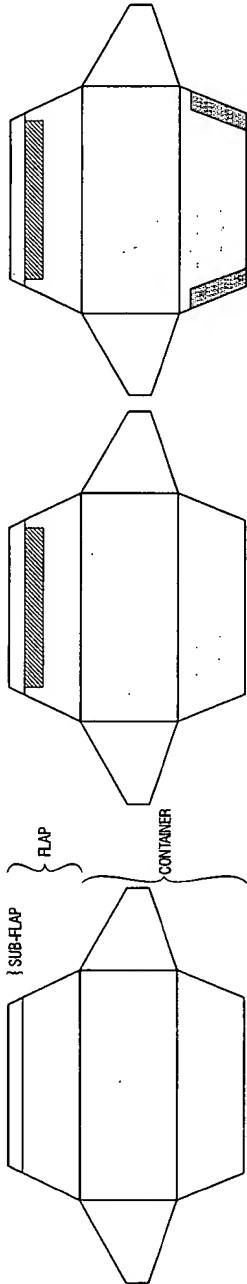
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
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S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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X		

I. CONSTRUCTION OF SHIEMAN'S ENVELOPE (1st EMBODIMENT, FIGS. 1-4)
II. DEFINING PURPOSE OF: SCHIEMAN'S ENVELOPE vs. SELF SEALING FORM (09/978,215)

SCHIEMAN'S ENVELOPE/ FIRST EMBODIMENT, FIGS 1-4



I.1 Envelope is cut and scored

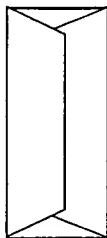
I.2 Repellent (Adhesive inhibitor) is applied

I.3 Construction Adhesive is applied

I.4 Envelope is assembled

I.5 Sealing adhesive (PSA) is applied

I.6 Sub-flap is bent to protect adhesive

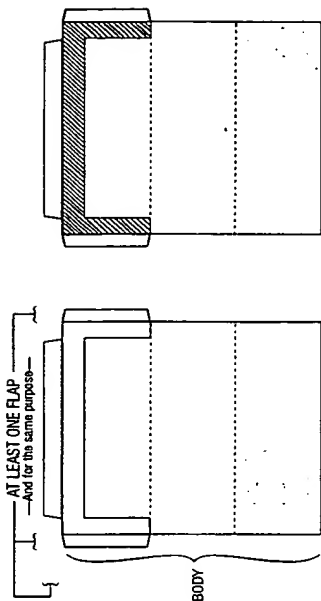


I.7 Flap—including sub-flap—is bent against front wall of container

II. Envelope is now ready to receive imprinting of addressing information ONLY. No private message can be imprinted. In order to have a private message, a separate item (piece of paper) must be used, and then inserted into the envelope.

See ATTACHMENT 4.

SELF SEALING FORM (09/978,215)



I.1 Self Sealing Form is cut and scored

I.2 Adhesive inhibitor is applied

I.3 Sealing adhesive (PSA) is applied

I.4 Flaps are folded against the body

II. Self Sealing Form is now ready to receive imprinting of:
1) a private message
2) addressing information

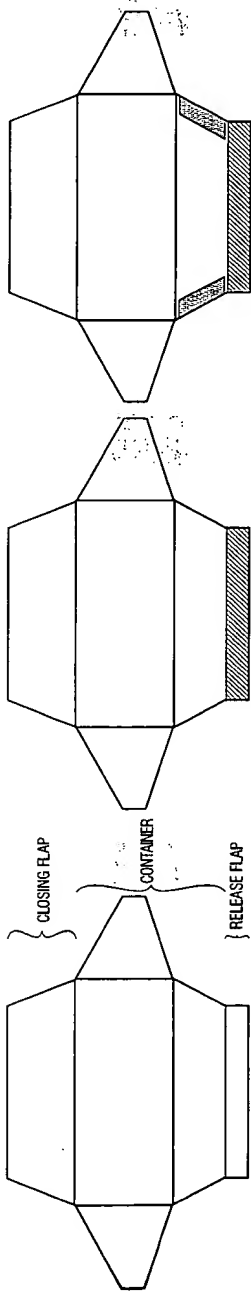
All in one production step, and one trip of the form across the printer.

See Figs. 7C, 9C, 10D-10F, 12C, 14B-14D, 17B-17D, 23B-23D, 24B-24E, 25C-25G

I. CONSTRUCTION OF SHIEMAN'S ENVELOPE (2nd EMBODIMENT, FIGS. 5-7)
II. DEFINING PURPOSE OF: SCHIEMAN'S ENVELOPE vs. SELF SEALING FORM (09/978,215)

SCHIEMAN'S ENVELOPE/ SECOND EMBODIMENT, FIGS 5-7

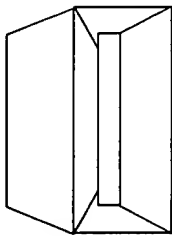
CONSTRUCTION ADHESIVE SEALING ADHESIVE (Pressure Sensitive Adhesive - PSA-) (REPELLENT) ADHESIVE INHIBITOR



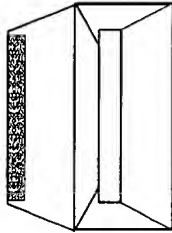
I.1 Envelope is cut and scored

I.2 Repellent (Adhesive inhibitor) is applied

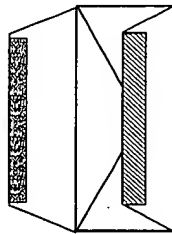
I.3 Construction Adhesive is applied



I.4 Envelope is assembled



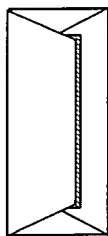
I.5 Sealing adhesive (PSA) is applied



I.6 Sub-flap is bent to protect adhesive

II. Envelope is now ready to receive imprinting of addressing information **ONLY**. No private message can be imprinted. In order to have a private message, a separate item (piece of paper) must be used, and then inserted into the envelope.

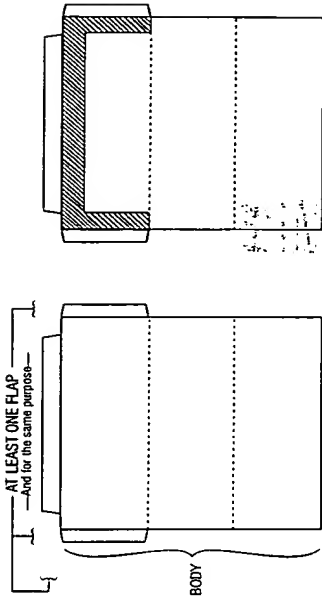
See ATTACHMENT 4.



I.7 Flap—including sub-flap—is bent against front wall of container

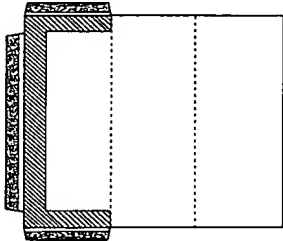
SELF SEALING FORM (09/978,215)

SEALING ADHESIVE (Pressure Sensitive Adhesive - PSA-) (REPELLENT) ADHESIVE INHIBITOR

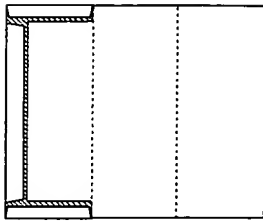


I.1 Self Sealing Form is cut and scored

I.2 Adhesive inhibitor is applied



I.3 Sealing adhesive (PSA) is applied



I.4 Flaps are folded against the body

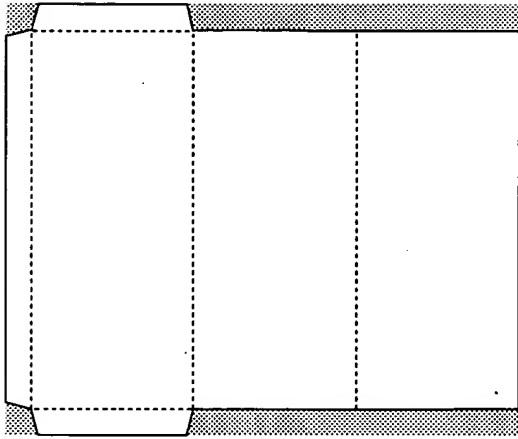
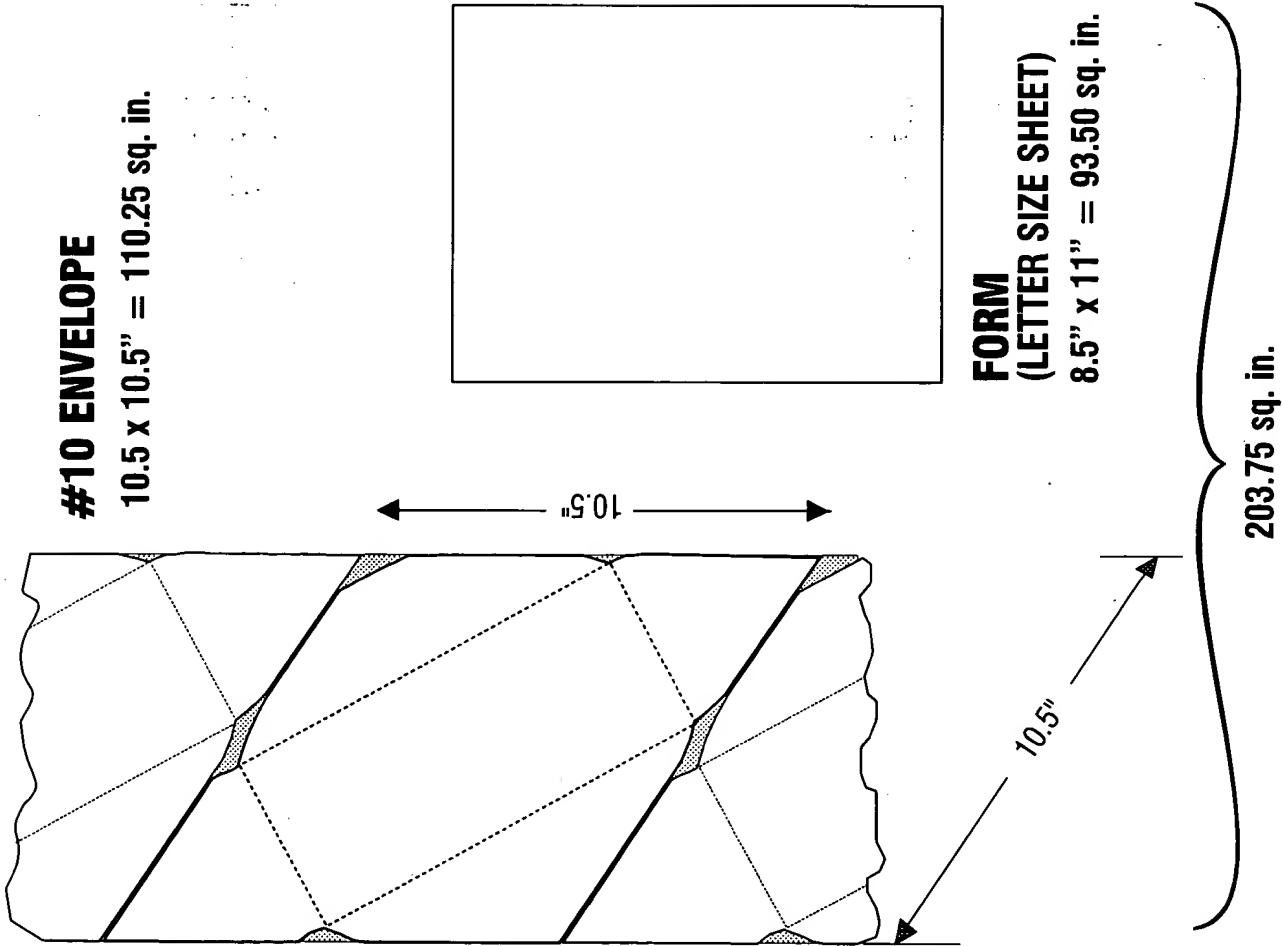
II. Self Sealing Form is now ready to receive imprinting of:
1) a private message
2) addressing information

All in one production step, and one trip of the form across the printer.

See Figs. 7C, 9C, 10D-10F, 12C, 14B-14D, 17B-17D, 23B-23D, 24B-24E, 25C-25G

ATTACHMENT 4

**COMPARISON OF PAPER USED
ENVELOPE + FORM vs. SELF SEALING FORM (09/978,215)**



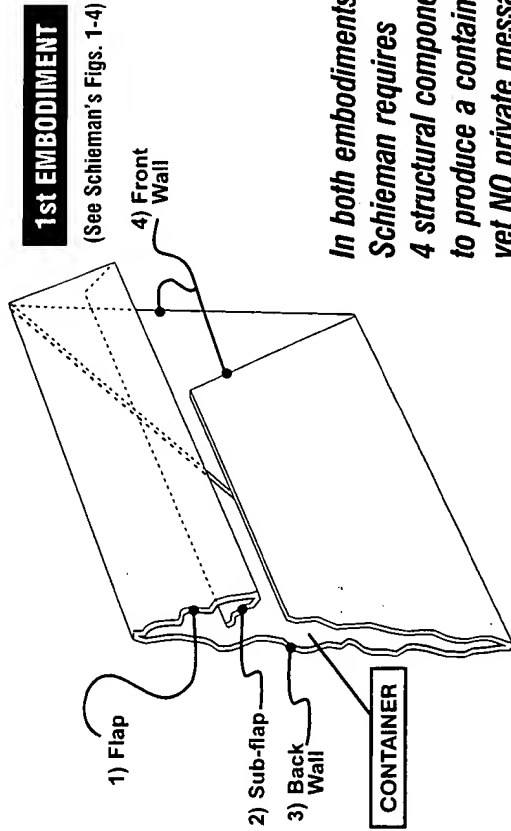
**SELF SEALING
FORM**
(09/978,215)

10" x 11.5" = 115 sq. in.

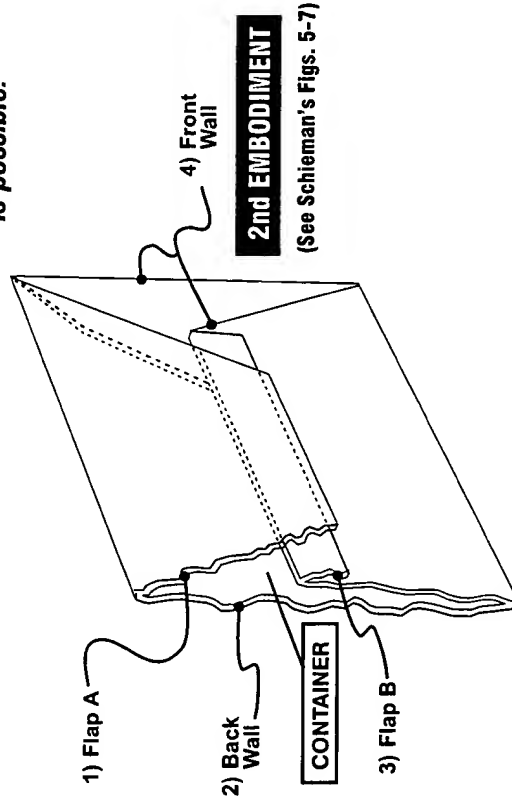
ENVELOPE + FORM.....	203.75 sq. in.
SELF SEALING FORM.... (09/978,215)	115.00 sq. in.
DIFFERENCE.....	88.75 sq. in.
PAPER SAVINGS	43.56%

As a result, other significant savings are possible in packaging, storing, transporting, displaying, and then the user also enjoys savings in storing, printing and mailing.

CROSS SECTION VIEW OF SCHIEMAN'S ENVELOPE

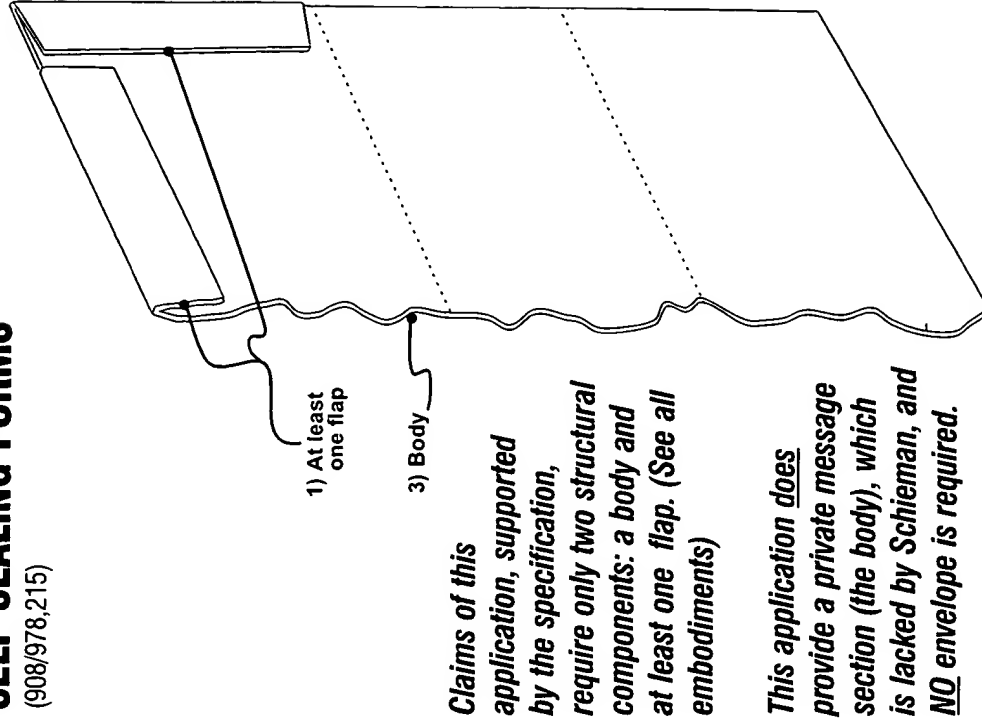


In both embodiments, Schieman requires 4 structural components to produce a container, yet NO private message is possible.



CROSS SECTION VIEW OF SELF SEALING FORMS

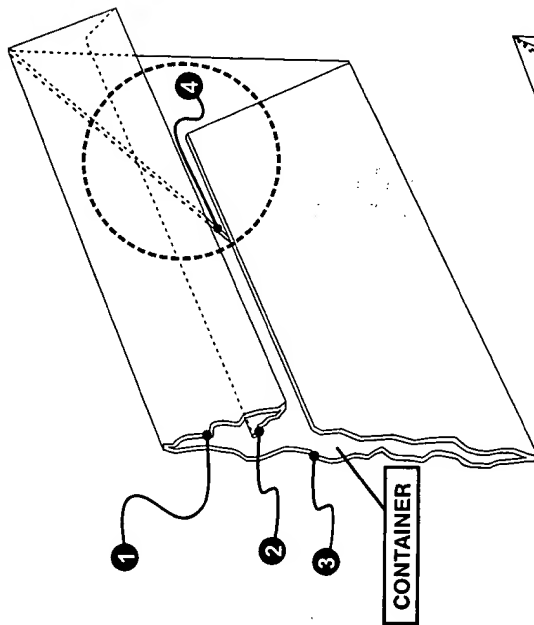
(908/978,215)



Claims of this application, supported by the specification, require only two structural components: a body and at least one flap. (See all embodiments)

This application does provide a private message section (the body), which is lacked by Schieman, and NO envelope is required.

CROSS SECTION VIEW OF SCHIEMAN'S ENVELOPE

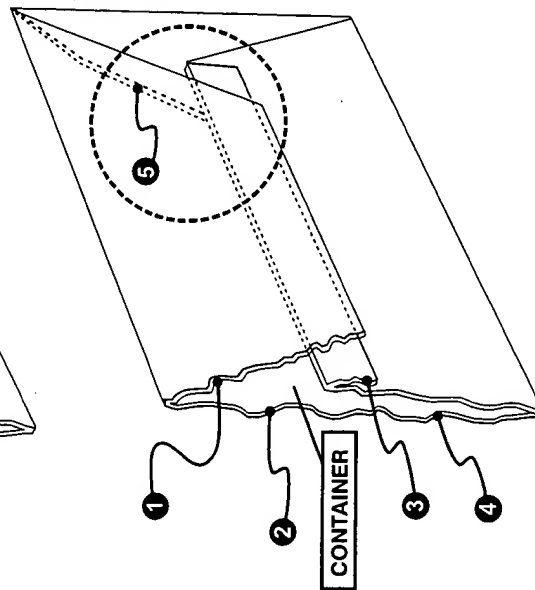


1st EMBODIMENT

(See Schieman's Figs. 1-4)

Circled area shows the portion of Schieman's envelope with 4 (four) overlapping layers. This, of course, also occurs on the left side of the envelope (not shown).

This excessive thickness will obstruct the proper feeding of the envelope trough most types of printers.



2nd EMBODIMENT

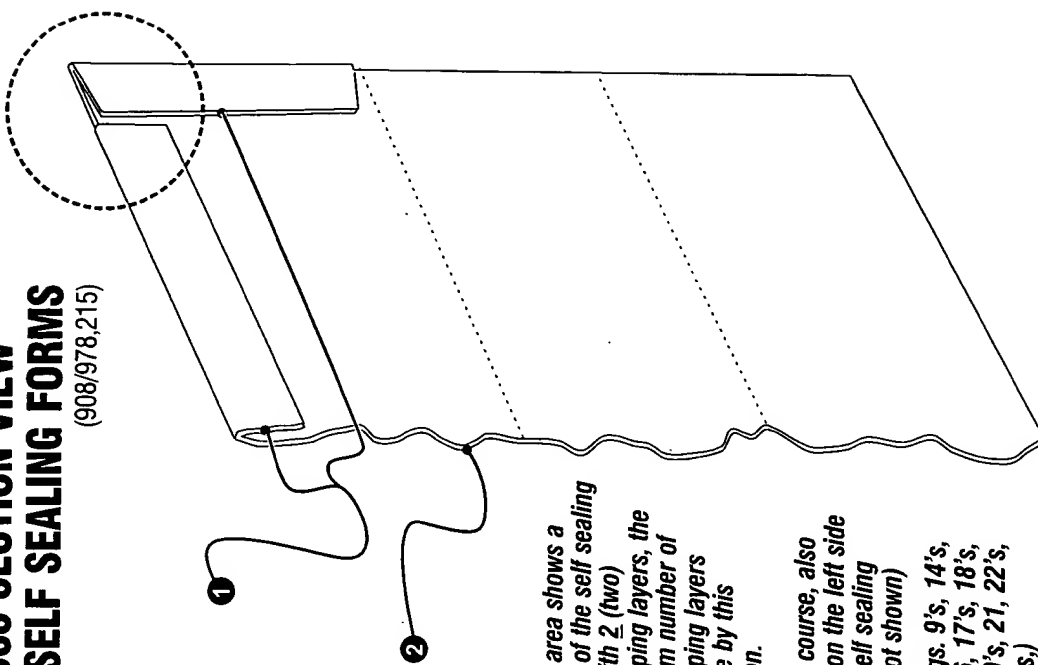
(See Schieman's Figs. 5-7)

Circled area shows the portion of Schieman's envelope with 5 (five) overlapping layers. This, of course, also occurs on the left side of the envelope (not shown).

This excessive thickness will obstruct the proper feeding of the envelope trough most types of printers.

CROSS SECTION VIEW OF SELF SEALING FORMS

(908/978,215)



Circled area shows a portion of the self sealing form with 2 (two) overlapping layers, the minimum number of overlapping layers possible by this invention.

This, of course, also occurs on the left side of the self sealing form (not shown)

(See Figs. 9's, 14's, 15's, 16, 17's, 18's, 19's, 20's, 21, 22's, and 23's,)

EXCERPTED FROM: <http://aic.stanford.edu/conspec/bpg/annual/v17/bp17-05.html>

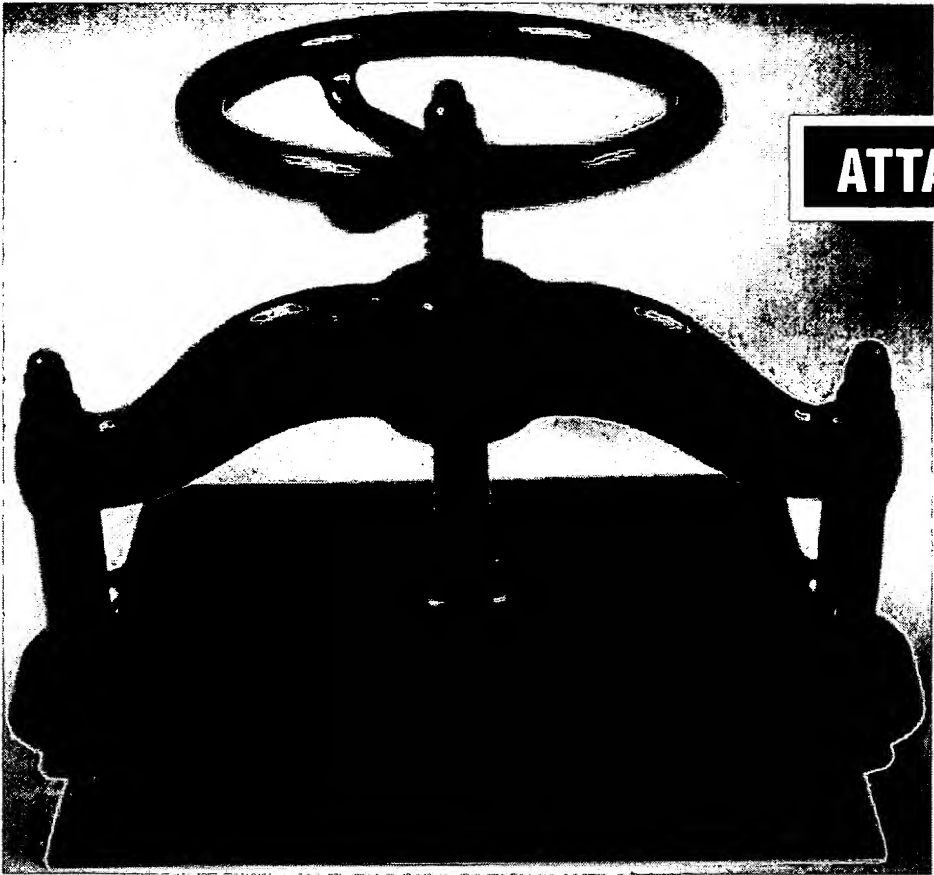


Fig. 5. Copying press.

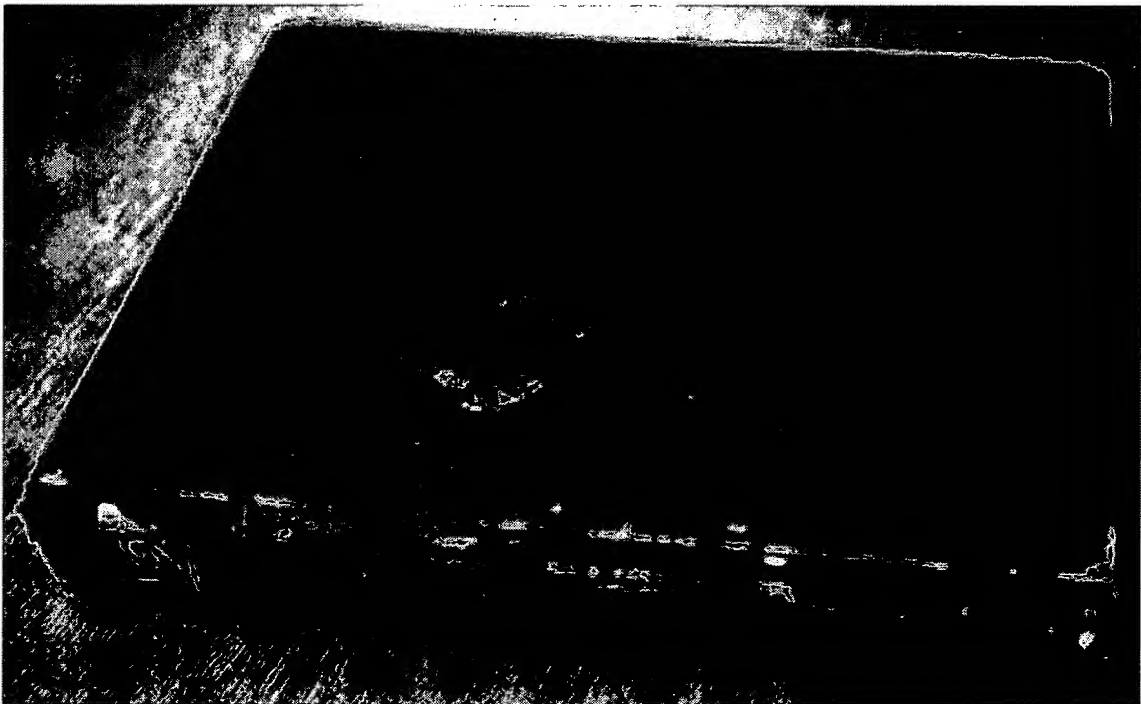


Fig. 6. Letter copying book.

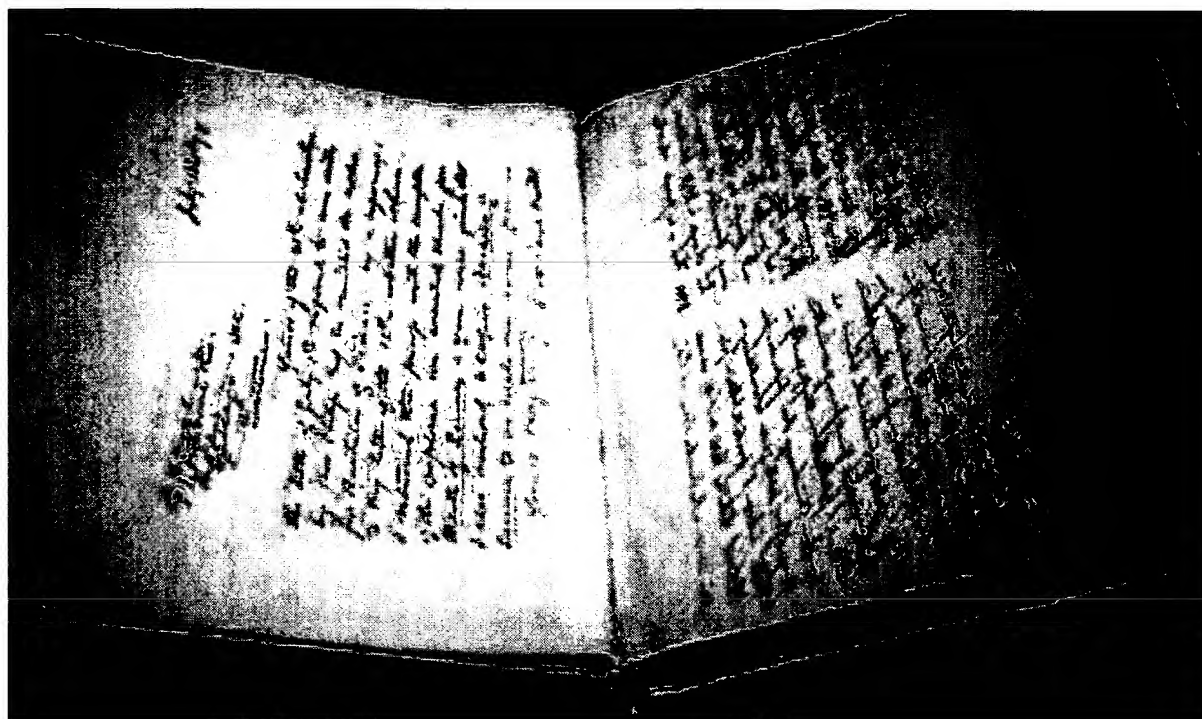


Fig. 7. Letter copying book, open.

The wet transfer copying process, patented in 1780 by James Watt, provided copies of documents by pressing a dampened sheet of thin tissue paper onto an original document written in special ink.[9] The dye component of the ink was solubilized and transferred to the moist tissue paper under pressure delivered by a copying press (fig. 5), yielding a mirror-image copy.

The use of somewhat transparent tissue paper allowed a "right-reading" copy to be viewed through the verso. By the 1870's, letter copying books became the ubiquitous copying tool for businesses. These volumes contained hundreds of leaves of thin tissue paper, often high quality Japanese papers, bound together for the purpose of bearing copies of outgoing correspondence and other business documents. (figs. 6 & 7)

Copying inks employed prior to the 1870's were traditional inks, primarily iron gallotannates and logwood inks. These were acceptable as "most inks will yield a copy if the original is pressed to a damp sheet of paper immediately after being applied, [however, traditional inks] would produce few copies before they dried and only faint images could be obtained from them after they had dried." [10] The highly concentrated aniline dyes provided stronger copies than traditional inks, and "the violet coloured copy soon became characteristic of the process in its new form," [11] though some letter copying books show continued use of traditional inks well into the twentieth century. Most significantly, the use of aniline dyes allowed copies to be taken long after the writing of the original document, since the writing produced from concentrate solutions of aniline dyestuffs does not undergo any material alteration on exposure to air for relatively long periods.[12]

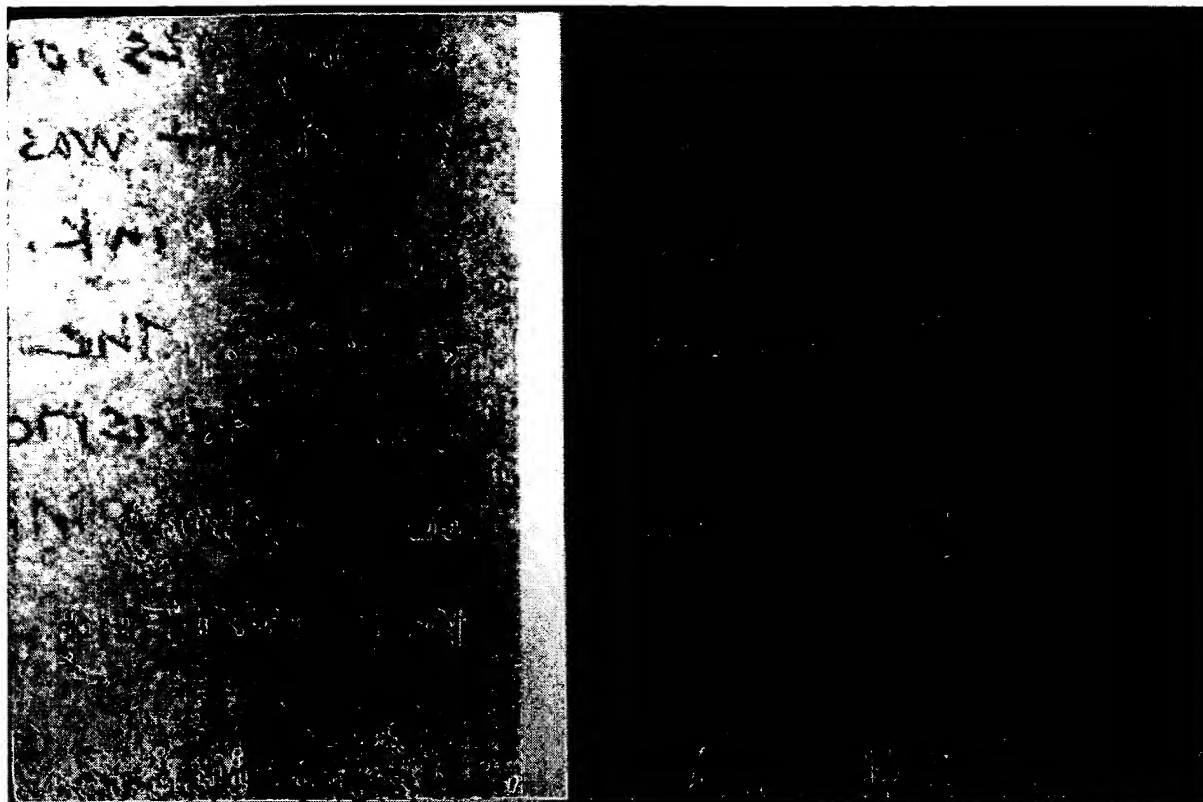
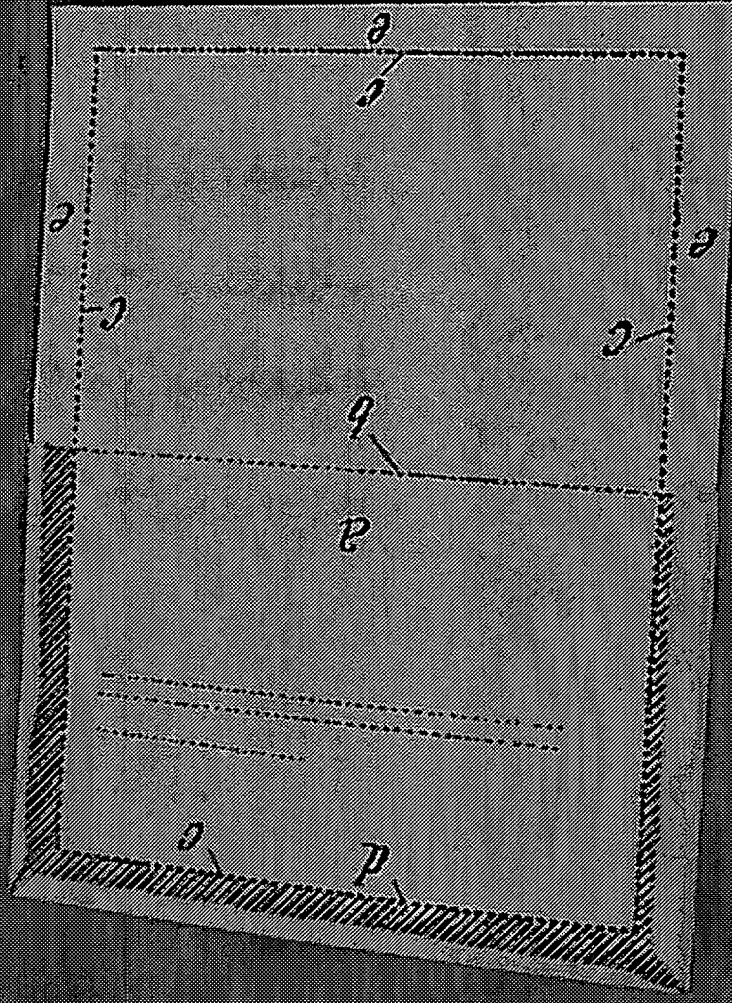


Fig. 8. Detail of an original document (right) and copy (left) produced by the author using the wet transfer method, photographed in transmitted light.

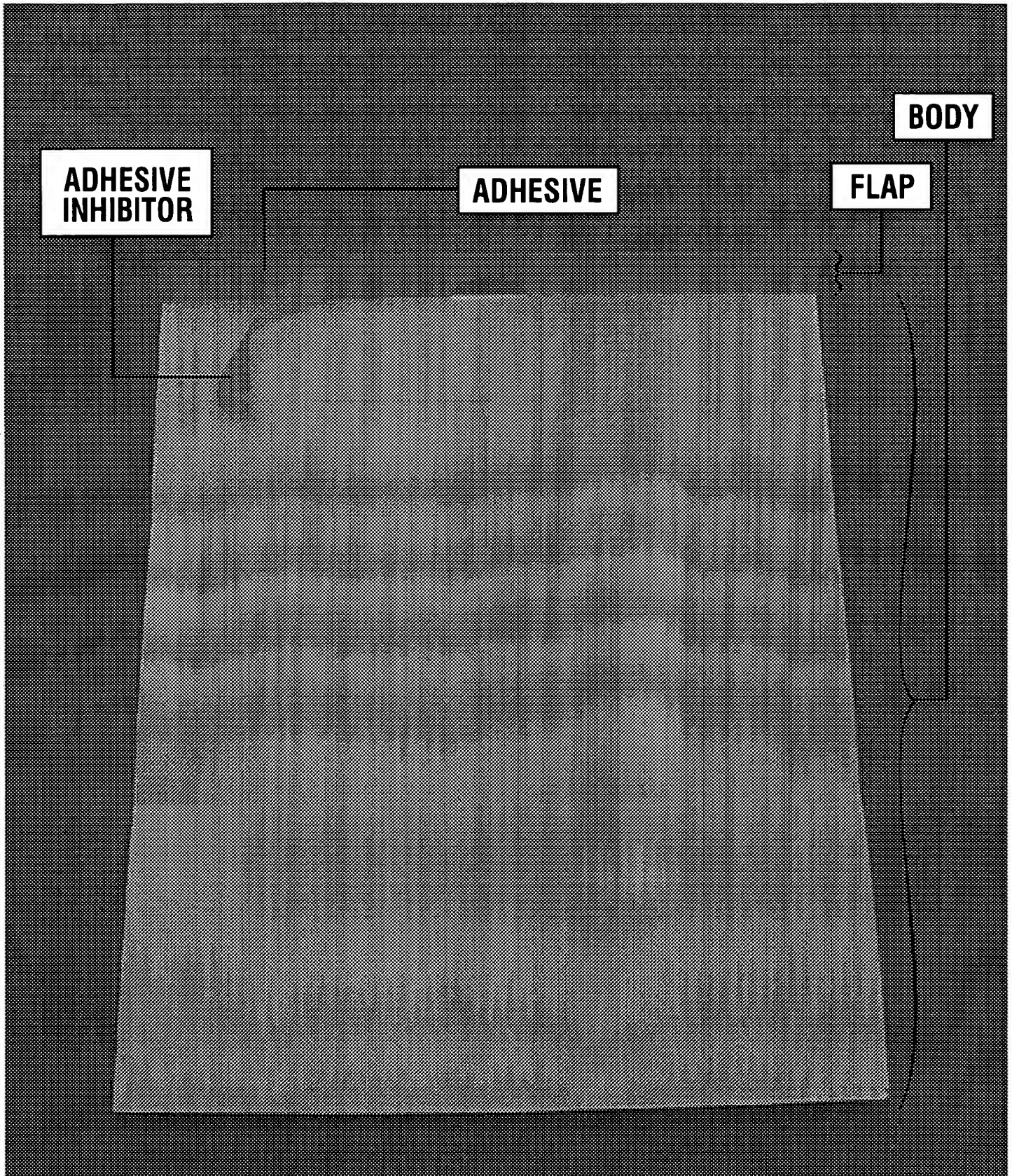
Copying pencil markings which have been employed in the wet transfer process, either on the original document or the duplicate, are readily identified. (fig. 8) Because the dye has been solubilized, markings are no longer visually similar to standard graphite. These markings are characterized by feathered edges and a pronounced color, usually violet or blue. Having been made from a pencil, however, the markings are wider than those typical of pens. Markings on the original document also contain graphite in addition to the solubilized dye.

ATTACHMENT 8



This Tissot's model was produced by printing an enlarged copy of Fig. 1 of Tissot's patent 642,272 on an 11x17" paper, and by subsequently cutting along its peripheral lines with an "X-acto"™ knife, guided by a metallic ruler. Perforation lines were applied along perforations 'c', and strips 'd' were folded against rectangle 'a'. As shown, the rectangle 'a' is substantially of US letter size (8½ x 11"). Strips 'd' can not be kept in flat contact with rectangle 'a', which establishes a definite structural difference with this invention, as it would be impossible to feed Tissot's product through a printer or photocopying machine

ATTACHMENT 9



Photograph of a "Self-Seal Mailer", product #8325 by Avery Dennison, indicating its parts. This product is closer to the present invention than any of the cited references, yet does not produce the unexpected results possible by the present invention.



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PTO/SB/01a		2001/10	Declaration (37 CFR 1.63) for Utility or Design Patent Application Using An Application Data Sheet (37 CFR 1.76) . To appoint an attorney or agent, use form PTO/SB/81
PTO/SB/02	SB0002ab	2000/11	Declaration (Additional Inventors) [2 pages] .
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PTO/SB/06		2000/08	Patent Application Fee Determination Record
PTO/SB/07		2000/08	Multiple Dependent Claim Fee Calculation Sheet
PTO/SB/08		2001/10	Information Disclosure Statement by Applicant [2 pages]. Click Here for a listing of kind codes used on U.S. patent documents
PTO/SB/09		1997/12	No longer required, therefore deleted: Verified Statement Claiming Small Entity Status (37 CFR 1.9 (f) & 1.27(b))--Independent Inventor. See Simplified Small Entity Status , 37 CFR 1.27
PTO/SB/10		1999/01	No longer required, therefore deleted: Verified Statement Claiming Small Entity Status (37 CFR 1.9 (f) & 1.27(c))--Small Business Concern. See Simplified Small Entity Status , 37 CFR 1.27
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PTO/SB/13			Deleted as of 12/97
PTO/SB/14			Deleted as of 12/97
Former PTO/SB/15		2001/05	Sample Form for an Assignment of Application
PTO/SB/16	SB0016	2001/10	Provisional Application for Patent Cover Sheet

PTO/SB/17	SB0017 <i>effective 10/1/2001</i>	2001/11	Fee Transmittal
PTO/SB/18	SB0018	2000/08	New Design Patent Application Transmittal
PTO/SB/19		2001/10	New Plant Patent Application Transmittal
PTO/SB/20		1996/08	No longer required, therefore deleted. Plant Color Coding Sheet. See Patent Business Goals: Final Rule , changes to 37 CFR 1.163
PTO/SB/21	SB0021	2000/08	Transmittal Form
PTO/SB/22		2000/10	Petition for Extension of Time under 37 CFR 1.136 (a)
PTO/SB/23		2001/04	Petition for Extension of Time under 37 CFR 1.136 (b)
PTO/SB/24		2000/10	Express Abandonment Under 37 CFR 1.138
PTO/SB/25		2000/10	Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application
PTO/SB/26		2000/10	Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent
PTO/SB/27		2000/08	Request for Expedited Examination of a Design Application (37 CFR 1.155)
PTO/SB/29		2000/10	Continued Prosecution Application (CPA) Request Transmittal [2 pages]
PTO/SB/29a		2000/08	Receipt for Facsimile Transmitted Continued Prosecution Application (CPA)
PTO/SB/30		2001/10	Request for Continued Examination (RCE) Transmittal
PTO/SB/31		2001/02	Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences
PTO/SB/32		2001/10	Request for Oral Hearing before the Board of Patent Appeals and Interferences
PTO/SB/35		2001/02	Nonpublication Request under 35 U.S.C. 122(b)(2) (B)(i)
PTO/SB/36		2001/10	Request to Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii)
PTO/SB/37		2001/10	Request for Deferral of Examination 37 CFR 1.103 (d)
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PTO/SB/51S		2001/02	Supplemental Declaration for Reissue Patent Application
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PTO/SB/53		2001/02	Reissue Application: Consent of Assignee; Statement of Non-assignment
PTO/SB/54		1997/12	No longer required; therefore deleted: Reissue Application by the Assignee, Offer to Surrender Patent. See Patent Business Goals: Final Rule , changes to 37 CFR 1.178
PTO/SB/55		2001/02	Declaration as to Loss of Letters Patent
PTO/SB/56	SB0056	2001/02	Reissue Application Fee Determination Record
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PTO/SB/58		2001/02	Request for Inter Partes Reexamination Transmittal Form
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PTO/SB/65		2000/10	Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) [4 pages]

PTO/SB/66		2000/08	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) [3 pages]
PTO/SB/67		2000/08	Power to Inspect/Copy
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PTO/SB/122		2001/10	Change of Correspondence Address, Application
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PTO/SB/125		2000/08	Request for Customer Number
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PTO/TM/4.16		2000/02	Declaration of Incontestability of a Mark under Section 15
PTO Form 1963		2000/02	Combined declaration of use in commerce/application for renewal of registration of mark under Sections 8 & 9
PTO Form 1583		2000/02	Combined declaration of use & incontestability under Sections 8 & 15

PTO/TM/4.8		2000/02	Collective Membership Mark Application, Principal Register
PTO/TM/4.9		2000/02	Certification Mark Application, Principal Register
PTO/TM/1478(a)		2000/02	Collective Trademark/Service Mark Application, Principal Register
PTO/TM/oppositionformat		2001/07	Opposition to the Registration of a Mark
PTO-1594	PTO1594	2001/03	Recordation Form Cover Sheet
PTO/TM/1618		This form has been <i>replaced</i> by PTO-1594	
PTO/TM/cancellationformat		2001/07	Cancellation of a Registered mark

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